

(b) (6)

From: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Sent: Thursday, December 17, 2020 3:43 PM
To: 'Ben Anderson'
Cc: (b) (6)
Subject: RE: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN
Signed By: (b) (6)

Mr. Anderson,

Legal counsel has advised that we may process your request as a remission without prior action by DFAS/DOHA on a waiver request.

That said, many of the issues you bring up below are not addressed in either the DD-Form 2789 you submitted (dated 21 April 2020) nor in your letter of the same date. Specifically, while we do have a monthly income and expense form dated 1/23/2020, financial hardship is not claimed and a complete financial picture (e.g. assets) is not provided.

Please advise if you wish to submit any additional documentation in support of your application.

I advise that as a matter of law and policy, recoupment of debts arising out of erroneous payments (or the unearned portion of a bonus) is not considered punitive. It is simply a matter of balancing what someone was paid with what that person was owed. The authority to remit the debt exists to address exceptional cases, but the normal course of events is for erroneous payments to be returned to the government.

R,
(b) (6)

From: Ben Anderson (b) (6) >
Sent: Thursday, December 03, 2020 5:01 PM
To: Haldeman, David J CIV USN ASSTSECNAV MRA DC (USA) (b) (6) @navy.mil>
Cc: (b) (6)
Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Mr. Haldeman,

Thank you again for the clarification. Originally, I submitted a waiver request to DFAS, which was transmitted and received by FAX (see attached). In my initial request, I had asked for a waiver of the remaining debt. I was told via phone from DFAS that I was required to apply for remittance vice a waiver, via OPNAV. The reason for applying for remittance is because they define

"A remission is the cancellation of a debt or portion of a debt by the Secretary of a Military Department. Remission is applicable for active duty military members or former military members who have incurred an active duty debt. The laws governing remissions may consider financial or personal hardship, a member's value to the service, compassion, justice and good faith."

This has been central to the issue from the beginning. I served for 26 years, and did amazing work for the Navy, finding substantial savings and reducing of operational expenses while at NDW. I provided substantial documentation to illustrate the hardship this places on me, which has been exacerbated by COVID-19 shut downs, and now trying to support my father, sister, and wife's parents as well. When it comes to justice and good faith. I carefully and diligently executed my duties and have done everything possible to get this resolved in accordance with regulations with virtually no help, support, or clear guidance from the Navy. Further, I have had faith in the service. that the Navy will recognize what was done and follow the provisions of taking into account my financial or personal hardship, a my value to the service, compassion, and justice and good faith.

So I respectfully submit to you that I have done everything that my country and service asked of me, and done it well. I have consistently worked to get this resolved in accordance with the regulations I could find, and am pursuing this as I think it is something that the Navy needs to fix (as cited in the GAO report). Please let me know if this answers your question, or what more I can do, as getting this resolved will substantially reduce our financial hardship, as well as demonstrate that the Navy is fair and just in recognizing when it has made a mistake and will take responsibility for it while recognizing my service.

Best regards,

Ben Anderson

On Thu, Dec 3, 2020 at 12:41 PM (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
(b) (6) wrote:

To clarify, prior to this recent legal opinion, the DON simply processed every remission request based solely on whether the applicant asked for remission vice waiver. Yours is the first case of erroneous payment to reach this office where the legal opinion is being tested. Being familiar with your case, and wanting to avoid further delays in resolution, I am asking the lawyers how binding their opinion is, i.e. is waiver action first mandatory or merely preferable.

I can't speak for DFAS on why they referred you to the Navy first, other than to speculate that it was possibly to obtain the required actions from the Navy debt collection office that are required to be included in the waiver request. Or possibly they were trying to be helpful to you as DOHA does not approve waivers when a member should have known they were not entitled to the erroneous payment. DOHA essentially requires you to prove that you could not reasonably have known or determined that you were not entitled to the payments.

So my question to you is, had you submitted a remission request when the debt was first established, and prior to any debt being collected, and there was no question regarding due process, what would that remission application have included as justification for remission of the debt?

R,

(b) (6)

From: Ben Anderson <(b) (6)>

Sent: Thursday, December 03, 2020 11:47 AM

To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) <(b) (6)@navy.mil>

Cc: (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Dear Mr. Haldeman,

Thank you very much for that detailed response. This definitely identifies that there is a significant issue within the United States Navy process that it takes multiple legal reviews at the highest level in order to try and understand how this process is supposed to work. Further, exemplifies the challenges that service members face when addressing thieve issues. In my initial conversations with DFAS, they were the ones who instructed me to submit the paperwork to the Navy, not them (hence the reason I thought I was being directed to submit a remission request).

Absent of clear guidance and a process that can be completed by an average sailor, I would submit that consideration should be given to look at either as a waiver or remission, absent clear guidance available to the service members. Further, I would submit that this further clarifies the problems cited in the GAO report concerning recoupment of payments to service members.

In regards to your comment regarding the inspector general, I would submit that they failed to adequately investigate and conduct the inquiry in accordance with the regulations due to the either failure to understand what the regulations required, or through direction.

In the initial response to the congressman's office, the letter provided cited notification via LES, which was not appropriate, or affording due process. I'm sure that upon review of the DOD FMR and the regulations therein, you and your staff see that my due process rights were violated, and the response provided to the congressman was inaccurate at best.

Considering that the choices of whether a waiver or remittance was the “correct” request takes multiple legal reviews at your level, I submit the process is entirely unjustifiably complex and does not allow for a service member to be afforded a viable process to address these matters.

I look forward to finding out the next steps, as I intend to see this through to include legal action if necessary. My hopes was that the Navy would recognize its failure to address this, it’s failure to work with me in this process, and it subsequent failure to provide an accurate response to the congressional inquiry.

The Navy cannot violate servicemembers constitutional rights, and has continued to fail to correct the problems in the GAO report (which has been cited multiple times in my past correspondence).

I will gladly work with any office necessary in order to come to some resolution that can address these issues. Please let me know if your office needs anything from me, as I truly see this is an opportunity for the Navy to correct a problem it created.

Best regards,

Ben L. Anderson

(b) (6)

On Dec 3, 2020, at 11:03 AM, (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
(b) (6) wrote:

LCDR Anderson,

Your remission request is now with the Office of the Deputy Assistant Secretary of the Navy for Military Manpower and Personnel (DASN MMP), where I work. DASN MMP has delegated authority to adjudicate most remission cases, including yours (unless legal weighs in otherwise).

As you know, and as the DD-2789 points out, Service members may request the debt to be waived or remitted. These are actually two separate processes that operate under separate legal authorities. Our legal office has recently opined that under the canon of legal construction, when two

sections of law cover the same issue, the more specific law has precedence. As the law covering waivers is expressly for overpayments of pays and allowances, it is more specific and under our lawyers guidance your case should be treated first as a waiver. Waivers are processed through DFAS and for debts of your amount are adjudicated by DOHA. However, in discussions with DFAS representatives they do not believe that one process must be used before the other. FMR Volume 16, Chapter 4 expressly states that if a waiver is denied, it does not preclude seeking remission. As your request specifically requests remission, and not waiver, of the debt, I am seeking our legal office's opinion if it is permissible to act on the remission request. If they answer yes, then the DASN will see your request within a few days thereafter. If they answer no, we will have to forward your case to DFAS.

To be frank, it is doubtful that your debt will be remitted (assuming yes to above question). For your debt to be remitted, the DASN would have to find that it was in the best interests of the United States to not reclaim funds that were erroneously distributed to you for an incentive program that you had been officially notified that you were no longer eligible for. While DoDI 1340.23 is not controlling for remissions, its section E4.1 provides DoD standards for when waiving debt arising from erroneous payments is not in the best interests of the United States. It is not favorable to your case that you were notified that you were no longer eligible for the payments you continued to receive (that is you should have known the payments were erroneous), nor is it favorable that you relied upon bad advice from your chain of command to let the situation sort itself out rather than contacting the NOIP program managers or the PSD when you received what should have been an unexpected payment. Personally I find it credible that you did not receive a proper debt notification letter from PSD Washington. However, even if the Navy were to concede errors in the debt collection notification process (which the IG did not do), you have not presented a basis for why allowing you to keep \$34K that you were not entitled to is a proper remedy that is in the best interests of the United States. The debt notification letter would have allowed you to contest the validity of the debt prior to collection, but you have since conceded the debt is valid, as doing so is required as part of the remission request. (If you contest the validity of the debt, you will need to withdraw the remission and follow the procedures in FMR volume 16, chapter 4.) The other right you claim was violated was the right to request remission, which you are doing now. However, the primary basis of your remission request is that you were not notified in a timely manner of your right to file a remission. Conceding for the sake of argument that you did not receive timely notification, had you received timely notification, there is no basis for remission remaining in your application.

Respectfully,

(b) (6)

Office of ASN(M&RA), MMP

Director, Military Personnel and Analysis

The Pentagon ((b) (6))

(b) (6)

From: Ben Anderson <(b) (6)>

Sent: Thursday, December 03, 2020 9:12 AM

To: (b) (6) CIV USN DCNO N1 (USA) (b) (6)

Cc: (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Good morning,

I hope you all had a wonderful Thanksgiving! It has been a month since the last update. If you could please provide an update as to the status of my package, I would appreciate it,

Best regards,

Ben L. Anderson

On Tue, Nov 3, 2020 at 3:17 PM (b) (6) CIV USN DCNO N1 (USA)

(b) (6) wrote:

LCDR Anderson,

The package with your request has cleared N13 and is waiting for N1 (CNP review). From there it will go to ASN(M&RA) for final decision.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson <(b) (6)>

Sent: Tuesday, November 3, 2020 1:42 PM

To: (b) (6) CIV USN DCNO N1 (USA) (b) (6)

Cc: (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Good afternoon all,

It has been 1 months since the last status update on my package. If someone could please let me know with whom I should speak to get an update, it would be greatly appreciated.

Thank you,

Best regards,

Ben Anderson

On Thu, Oct 1, 2020 at 10:40 AM Ben Anderson (b) (6) > wrote:

(b) (6)

Thank you for your response.

Best regards,

Ben L. Anderson

On Thu, Oct 1, 2020 at 7:01 AM (b) (6) CIV USN DCNO N1 (USA) (b) (6) wrote:

LCDR Anderson,

The package has left N130 and is now in the review chain. Legal, N13, CNP and ASN(M&RA) are the main parts of that review chain.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson <(b) (6)>

Sent: Wednesday, September 30, 2020 9:18 PM

To: (b) (6) CIV USN DCNO N1 (USA) (b) (6)

Cc: (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

(b) (6),

If you could please provide an update as to the status of my package, it would be greatly appreciated. If you could also let me know the remainder of the routing chain, I would appreciate it.

Best regards,

Ben L. Anderson

On Tue, Sep 8, 2020 at 12:33 PM Ben Anderson (b) (6) > wrote:

(b) (6),

Thank you for the update, sir.

Best regards,

Ben L. Anderson

On Tue, Sep 8, 2020 at 12:27 PM (b) (6) CIV USN DCNO N1 (USA)
(b) (6) wrote:

LCDR Anderson,

The package is in my box for review. It should leave my office in the next few days and for routing through the chain. Time to completion can range from several weeks to several months depending on complexity of the case and leadership availability.

We will certainly reach out to you if we have any questions.

VR

(b) (6)

(b) (6)

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From: Ben Anderson <(b) (6)>

Sent: Tuesday, September 8, 2020 9:27 AM

To: (b) (6) CIV USN DCNO N1 (USA) (b) (6); (b) (6)

Cc: (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Good morning,

Please let me know the updated status of my request. If there is additional information that is needed, please do not hesitate to contact me. DFAS is continuing to garnish my retired pay for this, and my request was submitted nearly 5 months ago, and I would truly like to get a resolution on this.

Best regards,

Ben Anderson

On Tue, Aug 25, 2020 at 7:34 AM (b) (6) CIV USN DCNO N1 (USA)
(b) (6) wrote:

LCDR Anderson,

We do not. We have that ability for current military members, but not for former members.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson <(b) (6)>
Sent: Monday, August 24, 2020 5:34 PM
To: (b) (6) CIV USN DCNO N1 (USA) (b) (6); Haldeman, David J
CIV USN ASSTSECNAV MRA DC (USA) (b) (6) (b) (6)
[REDACTED]
[REDACTED]
Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Ladies and Gentlemen,

I have tried reaching out to DFAS regarding the continued collection of the debt with no success. Do any of you have the ability to reach out to DFAS and have them stop collection until this matter is resolved?

V/r

Ben Anderson

On Tue, Aug 18, 2020 at 10:06 AM Ben Anderson <(b) (6)> wrote:

(b) (6),

Thank you for the response. I am sure you can appreciate the fact that I have been trying to get an answer on this since my initial IG request over 15 months ago and am still without resolution. With DFAS garnishing my retired pay, this is something that is an immediate and pressing need for me to get resolved as quickly as possible. DFAS told me that they received no communication from NAVPERS, OPNAV or anyone else to hold the garnishment and collection, and until they do so, they will continue to garnish my retired pay. This does not seem right at all, and from the multiple people on the CC chain here who have responded previously, they said that collection should have been suspended.

Obviously, DFAS hearing this from me is useless. If anyone on your team could coordinate with DFAS to suspend collection efforts while you continue your work, that

would be something that would provide meaningful assistance and progress in getting this resolved.

Please let me know if that is something you can do, and if not, with whom I need to speak in order to get DFAS to stop garnishing my retired pay while this is under review.

V/r

Ben Anderson

On Tue, Aug 18, 2020 at 10:00 AM (b) (6) CIV USN DCNO N1 (USA)
(b) (6) wrote:

LCDR Anderson,

I am LCDR (b) (6) supervisor. We are actively working the request, however there is a lot that goes into a request like yours and they usually take a while to get through the routing chain. I cannot give you a timeline as we are still investigating the circumstances of the debt.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson (b) (6)
Sent: Tuesday, August 18, 2020 9:52 AM
To: (b) (6) LCDR USN DCNO N1 (USA) (b) (6)
Cc: (b) (6)
(b) (6)
Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

LCDR (b) (6),

As requested last week, please provide an estimated timeline for completion of the reviews/recommendations so that I can coordinate with Congressman Raskin's office on any further Congressional Inquiry needed. Due to this being related to a violation of my Constitutional Right to due process and now the lack of transparency and expediency from the Navy in resolving the matter, this is becoming a growing matter that will next come up to the House Oversight Committee as well as the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

I know how things work there, LCDR, and I know that this is neither an unreasonable request, nor is it one that is unanswerable.

If you cannot provide an answer, please let me know the next person in your chain of command before N13 himself that can look into the matter to help get this resolved.

R/

Ben Anderson

On Thu, Aug 13, 2020 at 10:56 AM Ben Anderson <(b) (6)> wrote:

LCDR (b) (6)

Thank you for your response. Fortunately, I have worked on the OPNAV staff and I understand how things work and how they get routed internally. Further, I understand that “first in first out” is not a requirement, and that things can get hand walked through when necessary.

In this case, the package has been with OPNAV for several months. Having worked with N133, I know that things sometime just get stuck on desks, and with COVID, there may have been added delays. However, we are talking about months for a package that is related to a Congressional Inquiry due to a violation of my Constitutional Right to due process, so a higher level of oversight may be needed in order to ensure that this is resolved.

Please provide an estimated timeline for the completion of the reviews/recommendations so that I can coordinate with Congressman Raskin’s office any further response or inquiry needed.

If you cannot, please let me know at what level of N13 I need to reach out to in order to get an answer.

Thank you,

Ben Anderson

On Thu, Aug 13, 2020 at 9:55 AM (b) (6) LCDR USN DCNO N1 (USA) (b) (6) wrote:

Mr. Anderson.

N130D is in receipt of your DD Form 2789. We will process your request in the order that it was received. Due to the volume of such requests and the coordination between multiple offices that is required for submission, please allow for a time delay as each entity requires time for review and recommendation.

V/r,

LCDR (b) (6)

LCDR (b) (6) PHR

Head, Special and Incentive Pay Policy

Chief of Naval Operations (N130D)

(b) (6)

From: Ben Anderson <(b) (6)>

Sent: Wednesday, August 12, 2020 7:50 PM

To: ALTN_N130D <NXAG_N130D@navy.mil>;

(b) (6)

Subject: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

N130D Team,

IAW the instructions provided by Chief (b) (6) and the affirmation by CDR (b) (6) that OPNAV 130D has received and has for action my request for a waiver/remission of indebtedness, and I am formally requesting an update as to its status. I have not CC'd RDML Jablon on this request, as I would like to allow this to be handled without having to draw him into this.

This case initiated with a violation of my Constitutional rights to due process, which was confirmed via the letter from DASN MR&A to Congressman Raskin which clearly stated I was only notified of the debt collection via my LES. This is contrary to the DOD FMR instructions which specifically require a formal letter of notification in this case. Further, GAO 19-63 which was released documents the current deficiencies in policy and provides recommendations to DoD on how to ensure that service member's Constitutional Rights to due process are observed.

To be more specific and so that you may review the matter yourself, the following is a summary of the Navy's violation:

Both the DASN's letter and your (CDR Walsh's) previous email confirm the fact that my right to due process was violated IAW DOD 7000.14-R, section 0204 (Due Process) which requires a letter as described in 0205. In 0303 (Collection of Debt from Active and Reserve Members), it reaffirms the requirement to adhere to the due process requirements of 0204. Section 030305 (Collections by Salary Offset Under 37 U.S.C. § 1007(c)) again affirms the right due to process and references (Due Process Requirements Under 37 U.S.C. § 1007).

Further, section 030306 (Collection by Salary Offset Under 5 U.S.C. § 5514) states " C. Due Process. The creditor agency to which the debt is owed must provide due process to the member and must certify due process was completed if the debt is submitted to the Defense Finance and Accounting Service (DFAS) for collection. For due process procedures, refer to Chapter 2." This was an opportunity for the Navy to correct the issue, but either failed to certify this contrary to the instruction or falsely/incorrectly certified this.

It is important to note, that the DASN's letter citing notification via LES originates from the following, which is clearly not applicable:

"In accordance with 5 U.S.C. § 5514, DCOs are not required to provide due process procedures prior to collecting overpayments of pay and allowances using routine intra-agency pay adjustments. To collect by routine adjustment, **the overpayment**

must have occurred within the four pay periods preceding the adjustment, **or amount to \$50 or less.** Routine adjustments may be necessary due to an overpayment attributable to clerical errors, administrative errors, delays in processing pay documents, or underdeduction of premiums, for example. The DCO must provide the debtor with written notice of the nature and amount of the adjustment, as well as a point of contact for questions regarding the adjustment. This information should be provided by the payday for the pay period in which the adjustment is processed, or as soon thereafter as practical. An appropriate notice on the LES meets the requirements for notification."

DFAS is currently garnishing my retired pay despite my request for documentation and contention of the debt (yet another violation), and my final sell back of my leave has not been released.

In closing, this matter has gone on for quite some time with little to no communication with me on the matter. I request that OPNAV N130 provide an update as to the status of the case within 72 hours of receipt of this email. Further, I request that a POC at OPNAV N130 be provided to expedite any requests for information or other administrative needs in order to get this resolved.

Best regards,

Ben Anderson

(b) (6)

From: (b) (6)
Sent: Wednesday, December 23, 2020 8:48 AM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Cc: (b) (6)
Subject: Anderson Debt package

Good Morning Sir,

I asked N130 to extend Anderson's due date out. They moved the due date to 8 January. (b) (5)

V/r

(b) (6)

V/r

(b) (6)

Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)

(b) (6)

I am currently teleworking, please call my cell (b) (6)



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(b) (6)

From: [REDACTED]
Sent: Tuesday, January 5, 2021 9:37 AM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Cc: (b) (6)
Subject: FW: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Sir,

I think we need to below information from him in order to make a decision.

Budget and financial documents supporting financial hardship (credit card statements, pay stubs, loan statements, etc.)
Statement addressing civilian employment status

Anything else you can think of? I can email him back with these two items (and any others you can think of).

V/r

(b) (6)

From: Ben Anderson (b) (6) >
Sent: Tuesday, January 5, 2021 9:27 AM
To: (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

(b) (6),

My apologies for not getting back with you sooner, but I have been dealing with some health issues that have occupied too much of my time. The challenge I had in filling out the DD-2789 is that there was no one who could guide me on really what to put, or what to include. Is there any guidance you can provide on what documentation that can be used to support this? I am out of work right now, and this is really important to me, so any clarification and guidance would be greatly appreciated.

Best regards,

Ben Anderson

On Mon, Jan 4, 2021 at 11:20 AM (b) (6) ASSTSECNAV MRA DC (USA) (b) (6) wrote:

Good Morning Mr. Anderson,

I do hope you received my boss's email below. I am reaching out to see if you would like to submit any additional documentation in support of your application. As my boss states below, many of the issues you brought up in your

previous email are not addressed in the DD-Form 2789 nor in your letter. Please let us know if you would like to provide amplifying information for your case.

Thank you.

V/r

(b) (6)

Military Manpower, Personnel and Analysis (MPA)

Office of the Deputy Assistant Secretary of the Navy (M&RA),

Military Manpower & Personnel (MM&P)

(b) (6)

(b) (6)

(b) (6)

Pentagon: 4D548

I am currently teleworking, please call my cell: (b) (6)



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From: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Sent: Thursday, December 17, 2020 3:43 PM
To: Ben Anderson <(b) (6)>
Cc: (b) (6)
(b) (6)
(b) (6)
Subject: RE: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Mr. Anderson,

Legal counsel has advised that we may process your request as a remission without prior action by DFAS/DOHA on a waiver request.

That said, many of the issues you bring up below are not addressed in either the DD-Form 2789 you submitted (dated 21 April 2020) nor in your letter of the same date. Specifically, while we do have a monthly income and expense form dated 1/23/2020, financial hardship is not claimed and a complete financial picture (e.g. assets) is not provided.

Please advise if you wish to submit any additional documentation in support of your application.

I advise that as a matter of law and policy, recoupment of debts arising out of erroneous payments (or the unearned portion of a bonus) is not considered punitive. It is simply a matter of balancing what someone was paid with what that person was owed. The authority to remit the debt exists to address exceptional cases, but the normal course of events is for erroneous payments to be returned to the government.

R,

(b) (6)

From: Ben Anderson <(b) (6)>

Sent: Thursday, December 03, 2020 5:01 PM

To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)

(b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

(b) (6),

Thank you again for the clarification. Originally, I submitted a waiver request to DFAS, which was transmitted and received by FAX (see attached). In my initial request, I had asked for a waiver of the remaining debt. I was told via phone from DFAS that I was required to apply for remittance vice a waiver, via OPNAV. The reason for applying for remittance is because they define

"A remission is the cancellation of a debt or portion of a debt by the Secretary of a Military Department. Remission is applicable for active duty military members or former military members who have incurred an active duty debt. The laws governing remissions may consider financial or personal hardship, a member's value to the service, compassion, justice and good faith."

This has been central to the issue from the beginning. I served for 26 years, and did amazing work for the Navy, finding substantial savings and reducing of operational expenses while at NDW. I provided substantial documentation to illustrate the hardship this places on me, which has been exacerbated by COVID-19 shut downs, and now trying to support my father, sister, and wife's parents as well. When it comes to justice and good faith. I carefully and diligently executed my duties and have done everything possible to get this resolved in accordance with regulations with virtually no help, support, or clear guidance from the Navy. Further, I have had faith in the service. that the Navy will recognize what was done and follow the provisions of taking into account my financial or personal hardship, a my value to the service, compassion, and justice and good faith.

So I respectfully submit to you that I have done everything that my country and service asked of me, and done it well. I have consistently worked to get this resolved in accordance with the regulations I could find, and am pursuing this as I think it is something that the Navy needs to fix (as cited in the GAO report). Please let me know if this answers your question, or what more I can do, as getting this resolved will substantially reduce our financial hardship, as well as demonstrate that the Navy is fair and just in recognizing when it has made a mistake and will take responsibility for it while recognizing my service.

Best regards,

Ben Anderson

On Thu, Dec 3, 2020 at 12:41 PM I (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6) wrote:

To clarify, prior to this recent legal opinion, the DON simply processed every remission request based solely on whether the applicant asked for remission vice waiver. Yours is the first case of erroneous payment to reach this office where the legal opinion is being tested. Being familiar with your case, and wanting to avoid further delays in resolution, I am asking the lawyers how binding their opinion is, i.e. is waiver action first mandatory or merely preferable.

I can't speak for DFAS on why they referred you to the Navy first, other than to speculate that it was possibly to obtain the required actions from the Navy debt collection office that are required to be included in the waiver request. Or possibly they were trying to be helpful to you as DOHA does not approve waivers when a member should have known they were not entitled to the erroneous payment. DOHA essentially requires you to prove that you could not reasonably have known or determined that you were not entitled to the payments.

So my question to you is, had you submitted a remission request when the debt was first established, and prior to any debt being collected, and there was no question regarding due process, what would that remission application have included as justification for remission of the debt?

R,

(b) (6)

From: Ben Anderson (b) (6) >

Sent: Thursday, December 03, 2020 11:47 AM

To: Haldeman, David J CIV USN ASSTSECNAV MRA DC (USA) (b) (6)

(b) (6)

(b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Dear (b) (6),

Thank you very much for that detailed response. This definitely identifies that there is a significant issue within the United States Navy process that it takes multiple legal reviews at the highest level in order to try and understand how this process is supposed to work. Further, exemplifies the challenges that service members face when addressing thieve issues. In my initial conversations with DFAS, they were the ones who instructed me to submit the paperwork to the Navy, not them (hence the reason I thought I was being directed to submit a remission request).

Absent of clear guidance and a process that can be completed by an average sailor, I would submit that consideration should be given to look at either as a waiver or remission, absent clear guidance available to the service members. Further, I would submit that this further clarifies the problems cited in the GAO report concerning recoupment of payments to service members.

In regards to your comment regarding the inspector general, I would submit that they failed to adequately investigate and conduct the inquiry in accordance with the regulations due to the either failure to understand what the regulations required, or through direction.

In the initial response to the congressman's office, the letter provided cited notification via LES, which was not appropriate, or affording due process. I'm sure that upon review of the DOD FMR and the regulations therein, you and your staff see that my due process rights were violated, and the response provided to the congressman was inaccurate at best.

Considering that the choices of whether a waiver or remittance was the "correct" request takes multiple legal reviews at your level, I submit the process is entirely unjustifiably complex and does not allow for a service member to be afforded a viable process to address these matters.

I look forward to finding out the next steps, as I intend to see this through to include legal action if necessary. My hopes was that the Navy would recognize its failure to address this, it's failure to work with me in this process, and it subsequent failure to provide an accurate response to the congressional inquiry.

The Navy cannot violate servicemembers constitutional rights, and has continued to fail to correct the problems in the GAO report (which has been cited multiple times in my past correspondence).

I will gladly work with any office necessary in order to come to some resolution that can address these issues. Please let me know if your office needs anything from me, as I truly see this is an opportunity for the Navy to correct a problem it created.

Best regards,

Ben L. Anderson

(b) (6)

On Dec 3, 2020, at 11:03 AM, (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
(b) (6) wrote:

LCDR Anderson,

Your remission request is now with the Office of the Deputy Assistant Secretary of the Navy for Military Manpower and Personnel (DASN MMP), where I work. DASN MMP has delegated authority to adjudicate most remission cases, including yours (unless legal weighs in otherwise).

As you know, and as the DD-2789 points out, Service members may request the debt to be waived or remitted. These are actually two separate processes that operate under separate legal authorities. Our legal office has recently opined that under the canon of legal construction, when two sections of law cover the same issue, the more specific law has precedence. As the law covering waivers is expressly for overpayments of pays and allowances, it is more specific and under our lawyers guidance your case should be treated first as a waiver. Waivers are processed through DFAS and for debts of your amount are adjudicated by DOHA. However, in discussions with DFAS representatives they do not believe that one process must be used before the other. FMR Volume 16, Chapter 4 expressly states that if a waiver is denied, it does not preclude seeking remission. As your request specifically requests remission, and not waiver, of the debt, I am seeking our legal office's opinion if it is permissible to act on the remission request. If they answer yes, then the DASN will see your request within a few days thereafter. If they answer no, we will have to forward your case to DFAS.

To be frank, it is doubtful that your debt will be remitted (assuming yes to above question). For your debt to be remitted, the DASN would have to find that it was in the best interests of the United States to not reclaim funds that were erroneously distributed to you for an incentive program that you had been officially notified that you were no longer eligible for. While DoDI 1340.23 is not controlling for remissions, its section E4.1 provides DoD standards for when waiving debt arising from erroneous payments is not in the best interests of the United States. It is not favorable to your case that you were notified that you were no longer eligible for the payments you continued to receive (that is you should have known the payments were erroneous), nor is it favorable that you relied upon bad advice from your chain of command to let the situation sort itself out rather than contacting the NOIP program managers or the PSD when you received what should have been an unexpected payment. Personally I find it credible that you did not receive a proper debt notification letter from PSD Washington. However, even if the Navy were to concede errors in the debt collection notification process (which the IG did not do), you have not presented a basis for why allowing you to keep \$34K that you were not entitled to is a proper remedy that is in the best interests of the United States. The debt notification letter would have allowed you to contest the validity of the debt prior to collection, but you have since conceded the debt is valid, as doing so is required as part of the remission request. (If you contest the validity of the debt, you will need to withdraw the remission and follow the procedures in FMR volume 16, chapter 4.) The other right you claim was violated was the right to request remission, which you are doing now. However, the primary basis of your remission request is that you were not notified in a timely manner of your right to file a remission. Conceding for the sake of argument that you did not receive timely notification, had you received timely notification, there is no basis for remission remaining in your application.

Respectfully,

(b) (6)

Office of ASN(M&RA), MMP

Director, Military Personnel and Analysis

The Pentagon (b) (6)

(b) (6)

From: Ben Anderson (b) (6) >

Sent: Thursday, December 03, 2020 9:12 AM

To: (b) (6) CIV USN DCNO N1 (USA)

(b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Good morning,

I hope you all had a wonderful Thanksgiving! It has been a month since the last update. If you could please provide an update as to the status of my package, I would appreciate it,

Best regards,

Ben L. Anderson

On Tue, Nov 3, 2020 at 3:17 PM (b) (6) CIV USN DCNO N1 (USA)

(b) (6) wrote:

LCDR Anderson,

The package with your request has cleared N13 and is waiting for N1 (CNP review). From there it will go to ASN(M&RA) for final decision.

VR

(b) (6)

(b) (6)

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From: Ben Anderson <(b) (6)>

Sent: Tuesday, November 3, 2020 1:42 PM

To: (b) (6) CIV USN DCNO N1 (USA (b) (6)
(b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Good afternoon all,

It has been 1 months since the last status update on my package. If someone could please let me know with whom I should speak to get an update, it would be greatly appreciated.

Thank you,

Best regards,

Ben Anderson

On Thu, Oct 1, 2020 at 10:40 AM Ben Anderson (b) (6) > wrote:

(b) (6),

Thank you for your response.

Best regards,

Ben L. Anderson

On Thu, Oct 1, 2020 at 7:01 AM (b) (6) CIV USN DCNO N1 (USA)
(b) (6) wrote:

LCDR Anderson,

The package has left N130 and is now in the review chain. Legal, N13, CNP and ASN(M&RA) are the main parts of that review chain.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson <(b) (6)>

Sent: Wednesday, September 30, 2020 9:18 PM

To: Krusling, Jeffrey R CIV USN DCNO N1 (USA) (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

(b) (6),

If you could please provide an update as to the status of my package, it would be greatly appreciated. If you could also let me know the remainder of the routing chain, I would appreciate it.

Best regards,

Ben L. Anderson

On Tue, Sep 8, 2020 at 12:33 PM Ben Anderson (b) (6) wrote:

(b) (6),

Thank you for the update, sir.

Best regards,

Ben L. Anderson

On Tue, Sep 8, 2020 at 12:27 PM (b) (6) CIV USN DCNO N1 (USA)
(b) (6) wrote:

LCDR Anderson,

The package is in my box for review. It should leave my office in the next few days and for routing through the chain. Time to completion can range from several weeks to several months depending on complexity of the case and leadership availability.

We will certainly reach out to you if we have any questions.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson (b) (6) >

Sent: Tuesday, September 8, 2020 9:27 AM

To: (b) (6) CIV USN DCNO N1 (USA) (b) (6); (b) (6)
(b) (6) LCDR USN DCNO N1 (USA) (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Good morning,

Please let me know the updated status of my request. If there is additional information that is needed, please do not hesitate to contact me. DFAS is continuing to garnish my retired pay for this, and my request was submitted nearly 5 months ago, and I would truly like to get a resolution on this.

Best regards,

Ben Anderson

On Tue, Aug 25, 2020 at 7:34 AM (b) (6) CIV USN DCNO N1 (USA)
(b) (6) wrote:

LCDR Anderson,

We do not. We have that ability for current military members, but not for former members.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson <(b) (6)>

Sent: Monday, August 24, 2020 5:34 PM

To: (b) (6) CIV USN DCNO N1 (USA); (b) (6)
CIV USN ASSTSECNAV MRA DC (USA); (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Ladies and Gentlemen,

I have tried reaching out to DFAS regarding the continued collection of the debt with no success. Do any of you have the ability to reach out to DFAS and have them stop collection until this matter is resolved?

V/r

Ben Anderson

On Tue, Aug 18, 2020 at 10:06 AM Ben Anderson <(b) (6)> wrote:

(b) (6),

Thank you for the response. I am sure you can appreciate the fact that I have been trying to get an answer on this since my initial IG request over 15 months ago and am still without resolution. With DFAS garnishing my retired pay, this is something that is an immediate and pressing need for me to get resolved as quickly as possible. DFAS told me that they received no communication from NAVPERS, OPNAV or anyone else to hold the garnishment and collection, and until they do so, they will continue to garnish my retired pay. This does not seem right at all, and from the multiple people on the CC chain here who have responded previously, they said that collection should have been suspended.

Obviously, DFAS hearing this from me is useless. If anyone on your team could coordinate with DFAS to suspend collection efforts while you continue your work, that would be something that would provide meaningful assistance and progress in getting this resolved.

Please let me know if that is something you can do, and if not, with whom I need to speak in order to get DFAS to stop garnishing my retired pay while this is under review.

V/r

Ben Anderson

On Tue, Aug 18, 2020 at 10:00 AM (b) (6) CIV USN DCNO N1 (USA)
(b) (6) wrote:

LCDR Anderson,

I am LCDR (b) (6) supervisor. We are actively working the request, however there is a lot that goes into a request like yours and they usually take a while to get through the routing chain. I cannot give you a timeline as we are still investigating the circumstances of the debt.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson (b) (6)
Sent: Tuesday, August 18, 2020 9:52 AM
To: (b) (6) LCDR USN DCNO N1 (USA) (b) (6)

(b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

LCDR (b) (6),

As requested last week, please provide an estimated timeline for completion of the reviews/recommendations so that I can coordinate with Congressman Raskin's office on any further Congressional Inquiry needed. Due to this being related to a violation of my Constitutional Right to due process and now the lack of transparency and expediency from the Navy in resolving the matter, this is becoming a growing matter that will next come up to the House Oversight Committee as well as the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

I know how things work there, LCDR, and I know that this is neither an unreasonable request, nor is it one that is unanswerable.

If you cannot provide an answer, please let me know the next person in your chain of command before N13 himself that can look into the matter to help get this resolved.

R/

Ben Anderson

On Thu, Aug 13, 2020 at 10:56 AM Ben Anderson <(b) (6)> wrote:

LCDR (b) (6),

Thank you for your response. Fortunately, I have worked on the OPNAV staff and I understand how things work and how they get routed internally. Further, I understand

that “first in first out” is not a requirement, and that things can get hand walked through when necessary.

In this case, the package has been with OPNAV for several months. Having worked with N133, I know that things sometime just get stuck on desks, and with COVID, there may have been added delays. However, we are talking about months for a package that is related to a Congressional Inquiry due to a violation of my Constitutional Right to due process, so a higher level of oversight may be needed in order to ensure that this is resolved.

Please provide an estimated timeline for the completion of the reviews/recommendations so that I can coordinate with Congressman Raskin’s office any further response or inquiry needed.

If you cannot, please let me know at what level of N13 I need to reach out to in order to get an answer.

Thank you,

Ben Anderson

On Thu, Aug 13, 2020 at 9:55 AM (b) (6) wrote:

Mr. Anderson.

N130D is in receipt of your DD Form 2789. We will process your request in the order that it was received. Due to the volume of such requests and the coordination between multiple offices that is required for submission, please allow for a time delay as each entity requires time for review and recommendation.

V/r,

LCDR (b) (6)

LCDR (b) (6), PHR

Head, Special and Incentive Pay Policy

Chief of Naval Operations (N130D)

(b) (6)

From: Ben Anderson <(b) (6)>

Sent: Wednesday, August 12, 2020 7:50 PM

To: ALTN_N130D <NXAG_N130D@navy.mil>; Trice, Nathaniel Jr CIV USN
COMNAVPERSCOM MIL TN (USA) (b) (6)

Subject: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

N130D Team,

IAW the instructions provided by Chief (b) (6) and the affirmation by CDR (b) (6) that OPNAV 130D has received and has for action my request for a waiver/remission of indebtedness, and I am formally requesting an update as to its status. I have not CC'd RDML Jablon on this request, as I would like to allow this to be handled without having to draw him into this.

This case initiated with a violation of my Constitutional rights to due process, which was confirmed via the letter from DASN MR&A to Congressman Raskin which clearly stated I was only notified of the debt collection via my LES. This is contrary

to the DOD FMR instructions which specifically require a formal letter of notification in this case. Further, GAO 19-63 which was released documents the current deficiencies in policy and provides recommendations to DoD on how to ensure that service member's Constitutional Rights to due process are observed.

To be more specific and so that you may review the matter yourself, the following is a summary of the Navy's violation:

Both the DASN's letter and your (CDR (b) (6)) previous email confirm the fact that my right to due process was violated IAW DOD 7000.14-R, section 0204 (Due Process) which requires a letter as described in 0205. In 0303 (Collection of Debt from Active and Reserve Members), it reaffirms the requirement to adhere to the due process requirements of 0204. Section 030305 (Collections by Salary Offset Under 37 U.S.C. § 1007(c)) again affirms the right due to process and references (Due Process Requirements Under 37 U.S.C. § 1007).

Further, section 030306 (Collection by Salary Offset Under 5 U.S.C. § 5514) states " C. Due Process. The creditor agency to which the debt is owed must provide due process to the member and must certify due process was completed if the debt is submitted to the Defense Finance and Accounting Service (DFAS) for collection. For due process procedures, refer to Chapter 2." This was an opportunity for the Navy to correct the issue, but either failed to certify this contrary to the instruction or falsely/incorrectly certified this.

It is important to note, that the DASN's letter citing notification via LES originates from the following, which is clearly not applicable:

"In accordance with 5 U.S.C. § 5514, DCOs are not required to provide due process procedures prior to collecting overpayments of pay and allowances using routine intra-agency pay adjustments. To collect by routine adjustment, **the overpayment must have occurred within the four pay periods** preceding the adjustment, **or amount to \$50 or less**. Routine adjustments may be necessary due to an overpayment attributable to clerical errors, administrative errors, delays in processing pay documents, or underdeduction of premiums, for example. The DCO must provide the debtor with written notice of the nature and amount of the adjustment, as well as a point of contact for questions regarding the adjustment. This information should be provided by the payday for the pay period in which the adjustment is processed, or as soon thereafter as practical. An appropriate notice on the LES meets the requirements for notification."

DFAS is currently garnishing my retired pay despite my request for documentation and contention of the debt (yet another violation), and my final sell back of my leave has not been released.

In closing, this matter has gone on for quite some time with little to no communication with me on the matter. I request that OPNAV N130 provide an update as to the status of the case within 72 hours of receipt of this email. Further, I request that a POC at OPNAV N130 be provided to expedite any requests for information or other administrative needs in order to get this resolved.

Best regards,

Ben Anderson

(b) (6)

From: no-reply-dontracker@navy.mil
Sent: Tuesday, January 5, 2021 4:03 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Subject: Tasker Responder Date Change Notification: [2020-N130-493.1] Request For Debt Remission ICO LCDR Ben Anderson

Due Date Changed

Tuesday, January 5, 2021 at 9:02:37 PM Coordinated Universal Time

New Response Due Date is: Thursday, January 28, 2021

Tasker Information

Tasker ID: 2020-N130-493.1

Originator: ASSISTANT SECRETARY OF THE
NAVY (MANPOWER AND
RESERVE AFFAIRS) (ASN M&RA
FRONT OFFICE)

Action Office: ASSISTANT SECRETARY OF THE
NAVY (MANPOWER AND
RESERVE AFFAIRS) (ASN M&RA
FRONT OFFICE)

Subject: Request For Debt Remission ICO
LCDR Ben Anderson

Category: CLOSE_HOLD

Due: Thursday, January 28, 2021

Priority: MEDIUM

SSIC: 1000-001 Policy, Strategy, and
Planning (Military Personnel)

Description/Instructions: Member submitted request for
remission of debt. Package requires
review and final adjudication.

Comments: Modified Ref D/rew - 10/15 Modified
Ref G/rew - 10/15

Point of Contact: GS-12 (b) (6)

Tasker Attachments

TAB A - DASN Response_out of service debt letter ICO Mr. Anderson.docx

File Type: Microsoft Word 2007

File Description:

TAB E - SPD ICO LCDR Anderson.xlsx

File Type: Microsoft Excel 2007

File Description:

TAB D- COBO Payments ICO Anderson.pdf

File Type: Adobe PDF Document

File Description:

Ref B - AQD removal letter notification ICO Mr Anderson.pdf

File Type: Adobe PDF Document

File Description:

Ref C- Debt Letter Notification ICO Mr. Anderson.pdf

File Type: Adobe PDF Document

File Description:

DEBT REMISSION REQUEST ICO LCDR BEN ANDERSON.pdf

File Type: Adobe PDF Document

File Description:

Action Memo N1 to ASN LCDR Anderson.N00L.docx

File Type: Microsoft Word 2007

File Description:

TAB G - Coordination Page ICO Anderson (rev).doc

File Type: Microsoft Word

File Description:

TAB C - LCDR Anderson Recoupment calculation.docx

File Type: Microsoft Word 2007

File Description:

Buckslip N13 to CNP LCDR Anderson.docx

File Type: Microsoft Word 2007

File Description:

Ref A- XO CO board procedures.pdf

File Type: Adobe PDF Document

File Description:

TAB F - References ICO Anderson.docx

File Type: Microsoft Word 2007

File Description:

Ref D - EXAMPLE Nuclear Officer Continuation Contract (rev 1).pdf

File Type: Adobe PDF Document

File Description:

TAB A - DASN Response_out of service debt let.docx

File Type: Microsoft Word 2007

File Description:

Ref D - EXAMPLE Nuclear Officer Continuation Contract.pdf

File Type: Adobe PDF Document

File Description:

TAB B - Remission request ICO Mr. Ben Anderson (rev).docx

File Type: Microsoft Word 2007

File Description:

2020-N130-493.1_12_17_2020_03_05_58.pdf

File Type: Adobe PDF Document

File Description: Tasker Difference report for: 2020-N130-493.1

2020-N130-493.1_01_05_2021_09_02_31.pdf

File Type: Adobe PDF Document

File Description: Tasker Difference report for: 2020-N130-493.1

2020-N130-493.1_12_04_2020_04_53_24.pdf

File Type: Adobe PDF Document

File Description: Tasker Difference report for: 2020-N130-493.1

[Click to Edit the response](#)

(b) (6)

From: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Sent: Tuesday, January 5, 2021 4:44 PM
To: (b) (6) CDR USN ASSTSECNAV MRA DC (USA)
Subject: RE: Anderson's response
Signed By: (b) (6) @navy.mil

That works

From: (b) (6)
Sent: Tuesday, January 05, 2021 4:38 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Cc: (b) (6)
Subject: Anderson's response

Sir,

Below cut line is what I was planning on sending to Mr. Anderson. Please let me know if you are ok with it.

V/r
(b) (6)

.....

Good Afternoon Mr. Anderson,

Amplifying information you can provide to support your case are documents that will show your full financial picture. Some examples are: budget and financial documents supporting financial hardship (i.e. credit card statements, pay stubs, loan statements, etc.) as well as a statement addressing your civilian employment status and your military retirement pay status.

Please note that when we review cases of financial hardship, we categorize financial hardship as placing severe financial stress on you. Your documents will need to prove that you are experiencing severe financial stress and not simply that your financial plans will need to be altered slightly to repay your debts.

Furthermore, please note that there is no defined threshold when it comes to making a decision on these types of cases but rather they are judgement calls.

.....

V/r
(b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
Phone: (b) (6)
DSN: (b) (6)
Email: (b) (6)
Pentagon: (b) (6)

I am currently teleworking, please call my cell: (b) (6)



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(b) (6)

From: (b) (6)
Sent: Tuesday, February 2, 2021 4:34 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Cc: (b) (6)
Subject: RE: Anderson's Debt Package

Sir,

(b) (5)

V/r

(b) (6)

From: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Sent: Tuesday, February 2, 2021 4:20 PM
To: (b) (6)
Subject: RE: Anderson's Debt Package

(b) (5)

From: (b) (6)
Sent: Tuesday, February 02, 2021 3:42 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Subject: RE: Anderson's Debt Package

Sir,

Copy. Question- (b) (5)

V/r

(b) (6)

From: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) <david.haldeman@navy.mil>
Sent: Monday, February 1, 2021 4:21 PM
To: Walsh, Jesse Larou (Jesse-LaRou) CDR USN ASSTSECNAV MRA DC (USA) <jesse.walsh2@navy.mil>
Subject: RE: Anderson's Debt Package

(b) (5)

VR,

(b) (6)

From: (b) (6)
Sent: Sunday, January 31, 2021 2:34 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Subject: Anderson's Debt Package

Good Afternoon Sir,

Anderson's debt remission package was due 28 January. (b) (5)
(b) (5)

V/r
(b) (6)

V/r
(b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
Phone: (b) (6)
DSN: (b) (6)
Email: (b) (6)
Pentagon: (b) (6)

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(b) (6)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

(b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)

[REDACTED]
Subject: RE: Debt Remission Request

Good morning all,

Please send this information to (b) (6) Branch Chief, Waivers.

(b) (6)

V/r,

(b) (6)

Defense Finance and Accounting Service
Debt & Claims Management Operations, Indianapolis
Division Chief: Special Interest
Waivers, Hearings and Congressional Inquires

(b) (6)

From: (b) (6)

Sent: Friday, March 5, 2021 9:07 AM

To: [REDACTED]

Cc: (b) (6)

Subject: RE: Debt Remission Request

Good Morning Mr. (b) (6),

Thank you so much!!! Yes, it would be great for us to have a point of contact in Debt and Claims Management office as we have many letters we mail to that office. Mr. (b) (6), please let me know who I need to send the SSN and full name to. Thank you.

V/r

(b) (6)

V/r

(b) (6)

Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
Phone (b) (6)
DSN: [REDACTED]
Email: [REDACTED]
Pentagon: [REDACTED]

I am currently teleworking, please call my cell: (b) (6)



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From: (b) (6)
Sent: Friday, March 5, 2021 7:58 AM
To: (b) (6)
Subject: RE: Debt Remission Request

Good Morning (b) (6),

I am forwarding your inquiry to Mr. (b) (6), Division Chief over Special Interest (which includes the Remissions and Waivers Branch), Debt and Claims Management Office. That team will be able to check the account (they'll need the SSN) – and it would be good for them to have a contact in Navy Remissions.

Thanks!

(b) (6)

(b) (6), Team Lead
Military Pay (Active Duty & Reserve Pay) and Travel Policy Team
Finance Policy Division
Strategy, Policy, and Requirements Directorate
Defense Finance and Accounting Service
(b) (6)

From: (b) (6)
Sent: Thursday, March 4, 2021 4:24 PM
To: (b) (6)
Cc: (b) (6)
Subject: Debt Remission Request

Good Afternoon Mr. (b) (6),

We have an individual (Mr. Ben Anderson) that we are denying his debt remission request but our boss said he would waive any interest or penalties that he has to date. I do not know if this individual has any interest or penalties on his debt and was wondering if you could point me to someone who can verify?

Thank you!

V/r

(b) (6)

V/r

(b) (6)

Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
Phone: (b) (6)

(b) (6)

Pentagon: 4D548

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(b) (6)

From: [REDACTED]
Sent: Friday, April 17, 2020 1:34 PM
To: Haldeman, David J CIV USN ASSTSECNAV MRA DC (USA)
Cc: (b) (6)
Subject: FW: Tasker Responder Notification: [2020-CONSTITUENTINQUIRIES-5142.1]
CONSTITUENT INQUIRY - REP. RASKIN, JAMIE - P - ANDERSON, BEN L. - DEBT WAIVER
REQUEST -ND
Attachments: BEN L. ANDERSON -PR.pdf

Sir,

I heard back from N133 confirming that LCDR (Ret) Anderson did have a debt but I still have not heard from NPPSC. I sent the tasker to NPC and they directed it to PERS-2. PERS-2 said it should go to NPPSC. NPC PERS-00L sent it to NPPSC and they have not even read the tasker. I have been emailing NPC PERS-00L to ask for a POC at NPPSC to respond to the letter and have not heard from them either. (b) (5)

V/r

(b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
Phone: (b) (6)
DSN: [REDACTED]
Email: [REDACTED]
Pentagon: [REDACTED]

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From: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) <(b) (6)@navy.mil>
Sent: Wednesday, April 1, 2020 2:04 PM
To: (b) (6)
Subject: RE: Tasker Responder Notification: [2020-CONSTITUENTINQUIRIES-5142.1] CONSTITUENT INQUIRY - REP. RASKIN, JAMIE - P - ANDERSON, BEN L. - DEBT WAIVER REQUEST -ND

Here's the letter.

(b) (5)

Also, please contact the DON Tracker POC to confirm the due date. The tasker says May 1, but the instruction states 10 days.

From: (b) (6)
Sent: Wednesday, April 01, 2020 1:55 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Cc: (b) (6)
Subject: RE: Tasker Responder Notification: [2020-CONSTITUENTINQUIRIES-5142.1] CONSTITUENT INQUIRY - REP. RASKIN, JAMIE - P - ANDERSON, BEN L. - DEBT WAIVER REQUEST -ND

Sir,

It will not allow me to download or view the incoming letter. DON Tracker is saying the file is corrupt. Do you mind sending it to me? I will delegate this to N130 and N133 for input. (b) (5)

(b) (5)

V/r

(b) (6)

V/r

(b) (6)

Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
Phone: (b) (6)
DSN: (b) (6)
Pentagon: (b) (6)

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From: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Sent: Wednesday, April 1, 2020 1:01 PM
To: (b) (6)
(b) (6)
Subject: FW: Tasker Responder Notification: [2020-CONSTITUENTINQUIRIES-5142.1] CONSTITUENT INQUIRY - REP. RASKIN, JAMIE - P - ANDERSON, BEN L. - DEBT WAIVER REQUEST -ND

This one is a nuclear officer bonus issue. Requests both remission and complains about Navy processes that resulted in overpayment and processes for collecting the debt while he was still on active duty. Will need N130/N133 help on this one.

From: no-reply-dontracker@navy.mil <no-reply-dontracker@navy.mil>

Sent: Tuesday, March 31, 2020 10:08 PM

To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)

Subject: Tasker Responder Notification: [2020-CONSTITUENTINQUIRIES-5142.1] CONSTITUENT INQUIRY - REP. RASKIN, JAMIE - P - ANDERSON, BEN L. - DEBT WAIVER REQUEST -ND

New Task Response

Wednesday, April 1, 2020 2:08:08 AM UTC

Your Organization: MMP has been added as a Responder for this Tasker:

Response Information

Response

Instructions:

Response Due Date: Friday, May 1, 2020

Responders: MILITARY MANPOWER AND PERSONNEL
(MMP)

Tasker Information

Tasker ID: 2020-CONSTITUENTINQUIRIES-5142.1

Originator: ASSISTANT SECRETARY OF THE NAVY
(MANPOWER AND RESERVE AFFAIRS)
(ASN M&RA FRONT OFFICE)

Action Office: ASSISTANT SECRETARY OF THE NAVY
(MANPOWER AND RESERVE AFFAIRS)
(ASN M&RA FRONT OFFICE)

Subject: CONSTITUENT INQUIRY - REP. RASKIN,
JAMIE - P - ANDERSON, BEN L. - DEBT
WAIVER REQUEST -ND

Category: CLOSE_HOLD_CONGRESSIONAL_LETTE
R

Due: Friday, May 1, 2020

Priority: MEDIUM

SSIC: 5000-011 Legislative Affairs

Description/Instructions: Constituent Question: Mr. Anderson is
requesting the Navy be directed to waive the
collection of any further amount, pay the

leave sold back, and issue guidance to the Personnel Support Detachment on how to follow the appropriate laws and regulations. He is disappointing that despite the issuance of GAO Report 19-61, the Navy has failed to take appropriate action to respect the right of service members.

Provide written response by mail directly to Rep. Raskin's district office. -nd If an email address has been provided for a Constituent Representative, either in the Member's cover letter, an attachment, or in the tasker comments, provide a digital copy of the response to that address. **Congressional taskers are due within 10 working days or less as some cases may require. If your office is unable to complete the action within this prescribed timeframe, you are required to provide an interim response.

Comments:

Point of Contact:

(b) (6)

Congressional/Staff Member:

JAMIE RASKIN

Constituent:

BEN L. ANDERSON

Caseworker:

(b) (6)

Tasker Attachments

BEN L. ANDERSON -PR.pdf

File Type: Adobe PDF Document

File Description:

BEN L. ANDERSON - GAO 19-61.pdf

File Type: Adobe PDF Document

File Description:

REP. RASKIN COVER LTR IN THE BODY OF THE EMAIL DUE TO COVID19.msg

File Type: Microsoft Outlook Message

File Description:

[Click to Edit the response](#)

(b) (6)

From: [REDACTED]
Sent: Monday, April 20, 2020 6:12 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Cc: (b) (6)
Subject: FW: DON Tracker - NPPSC
Attachments: 20dt5142.pdf; 2020-CONSTITUENTINQUIRIES-5142.1-1587420286072.pdf

Good Evening Sir,

(b) (5)

Thank you!

V/r

(b) (6)

V/r

(b) (6)

Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
Phone: (b) (6)
DSN: [REDACTED]
Email: [REDACTED]
Pentagon: [REDACTED]

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From: (b) (6)
Sent: Monday, April 20, 2020 2:39 PM
To: (b) (6)

Larou

(b) (6)

Subject: Fw: DON Tracker - NPPSC

Sir,

Spoke with this gentleman this morning and currently working this case. I also spoke to PSD Washington DC, (b) (6), this morning for supporting documents. As soon as I have those I can prepare the memo.

v/r
PSC

From: (b) (6)

To: (b) (6)

Subject: Re: DON Tracker - NPPSC

Yes, that's the one from this morning. I have some documents from the Sailor. Now I'm just waiting for PSD Washington DC to send me what they have.

From: (b) (6)

Sent: Monday, April 20, 2020 2:20:34 PM

To: (b) (6)

Subject: FW: DON Tracker - NPPSC

This is the one you are working, right?

v/r

(b) (6)

Administrative Officer
Navy Pay and Personnel Support Command

 (b) (6)

Fax: (901) 874-2388

(b) (6)

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From: (b) (6)

Sent: Monday, April 20, 2020 1:18 PM

To: (b) (6)

Cc: (b) (6)

(b) (6)

Subject: RE: DON Tracker - NPPSC

Hi Ed,

Thank you! I just logged in again and noticed that NPC put an interim letter in the tasker until 28 May. Maybe they are retasking this to you all after. The POC at NPC is (b) (6) in PERS-00L

V/r

(b) (6)

Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)

Phone: (b) (6)

DSN: (b) (6)

Email: (b) (6)

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From: (b) (6) LCDR USN NAVPAYPERSSUPPCTR TN (USA) (b) (6)

Sent: Monday, April 20, 2020 2:08 PM

To: Walsh, Jesse Larou (Jesse-LaRou) CDR USN ASSTSECNAV MRA DC (USA) (b) (6) Trice, Nathaniel Jr
CIV USN COMNAVPERSCOM MIL TN (USA) (b) (6)

Cc: (b) (6)

Subject: RE: DON Tracker - NPPSC

Jesse,

I'm looping the NPPSC AO into the thread, Mr. Nate Trice in the To line above.

He will pull the string on this and get back with you. More to follow.

V/r, (b) (6)

V/r,

LCDR (b) (6)

Administration Department Head (N1)
Navy Pay and Personnel Support Center

(b) (6)@navy.mil

Office (b) (6)

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From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Sent: Monday, April 20, 2020 11:21 AM
To: (b) (6) CIV USN (USA) (b) (6); (b) (6) LCDR USN
NAVPAYPERSSUPPCTR TN (USA) (b) (6)
Cc: (b) (6)

Subject: RE: DON Tracker - NPPSC

Good Afternoon (b) (6)

Thank you so much! Appreciate you connecting me to someone at NPPSC.

BREAK BREAK

LCDR (b) (6), we are to respond to a congressional and I have delegated the task down to NPPSC for some background info in order for me to compile a response back to the Congressman. The tasker is: 2020-CONSTITUENTINQUIRIES-5142.1.1.2.2.2
CONSTITUENT INQUIRY - REP. RASKIN, JAMIE - P - ANDERSON, BEN L. - DEBT WAIVER
REQUEST -ND

Are you able to access it?

V/r
(b) (6)

V/r
LCDR (b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
(b) (6)
Email: (b) (6)
Pentagon: (b) (6)

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From: (b) (6) CIV USN (USA) (b) (6)
Sent: Monday, April 20, 2020 12:12 PM
To: (b) (6) LCDR USN NAVPAYPERSSUPPCTR TN (USA) (b) (6) (b) (6)
(b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Cc: (b) (6)
Subject: Re: DON Tracker - NPPSC

Ma'am,
I included LCDR (b) (6) in this email, he is the ADMINO for NPPSC.

VR/
(b) (6)

From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA)
Sent: Monday, April 20, 2020 10:55 AM
To: (b) (6) CIV USN (USA)
Cc: (b) (6)
Subject: DON Tracker - NPPSC

Good Afternoon (b) (6),

I have a tasker (Congressional inquiry) that PERS-2 said should be directed to NPPSC to answer. It is in DON Tracker but I haven't been able to get anyone at NPPSC to read the tasker. Is there a good POC I can send the docs to via email so I can get a response back by the end of this week from them? Thank you!

V/r
(b) (6)

V/r
LCDR (b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
(b) (6)
Email: (b) (6)
Pentagon: (b) (6)

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(b) (6)

From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA)
Sent: Tuesday, April 28, 2020 4:12 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Cc: (b) (6) CDR USN ASSTSECNAV MRA DC (USA)
Subject: RE: [Non-DoD Source] DD Form 2789 and Additional Documentation

Sir,

Copy. Will work up the package for routing to you.

V/r
CDR (b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)

(b) (6)

Email: (b) (6)
Pentagon: (b) (6)

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From: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Sent: Tuesday, April 28, 2020 3:42 PM
To: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Subject: RE: [Non-DoD Source] DD Form 2789 and Additional Documentation

(b) (5)

From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Sent: Tuesday, April 28, 2020 3:34 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Cc: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Subject: RE: [Non-DoD Source] DD Form 2789 and Additional Documentation

Sir,

Attached is his letter. NPPSC provided this information about notice of the debt but did not send it to the Congressman nor the member. (b) (5)

V/r
CDR (b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
(b) (6)
Email: (b) (6)
Pentagon: (b) (6)

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From: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6) @navy.mil>
Sent: Tuesday, April 28, 2020 3:31 PM
To: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) <(b) (6) @navy.mil>
Subject: RE: [Non-DoD Source] DD Form 2789 and Additional Documentation

Can I see the original Congressional. I forget the exact complaint. It looks like NPPSC has adequately addressed the issue as to whether he was given notice of the debt and pending deductions in a timely manner. (b) (5)

From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Sent: Tuesday, April 28, 2020 2:50 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Cc: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Subject: FW: [Non-DoD Source] DD Form 2789 and Additional Documentation

Sir,

Please see below email from Mr. Anderson regarding the Congressional I have for action. PSC McQuillin from NPPSC has been working with him. Chief and I spoke today about how debt remission packages go through N130 and the member needs to submit the DD 2789 to N130 not DFAS. I informed the Chief I am drafting a letter to the Congressman outlining the procedure for debt remission requests. From the below email, Mr. Anderson seems concerned that his rights were violated and he was not afforded due process when it came to them collecting on his debt. I am attaching the package NPPSC prepared that shows the letter from the PSD (page four) stating that they acted in accordance with the FMR. Additionally, PSC McQuillin sent me the excerpt from the FMR Vol 16 Ch 2:

“A. Due Process

1. When a debtor has either failed to pay the debt in one lump sum, has not agreed to a voluntary one-time payroll deduction, or has not entered into an installment agreement, the DCO must recover the debt by an involuntary salary offset. Before initiating involuntary salary offset, the DCO must ensure the debtor has been given due process pursuant to section 0204, and the debtor has not exercised the rights listed in the debt notification letter or, having exercised one or more of those rights, was determined to be indebted.

2. The DCO must ensure involuntary salary offset is initiated in the pay period designated in the debt notification letter, unless the period for salary offset was delayed by the debtor’s request for a hearing (or request for a review by a military member). **When practical, the DCO will notify the debtor of an offset on the Leave and Earnings Statement.** The DCO may initiate collection of a debt from final pay and lump-sum leave payments before granting due process if failure to do so would substantially prejudice the DCO’s ability to collect a debt. In such cases, the DCO must afford the debtor due process as soon as practicable. There is no statute of limitations for collecting a debt by salary or administrative offset for civilians, provided notice and due process requirements are met. Refer to subparagraph 020202.B.2 for information on the statute of limitations for initiating collection of debts owed by members of the uniformed service.

Mr. Anderson seems to keep referring to 5 USC 5514 but that code states “Except as provided in paragraph (3) of this subsection, prior to initiating any proceedings under paragraph (1) of this subsection to collect any indebtedness of an individual, the head of the agency holding the debt or his designee, shall provide the individual with-

- (A) a minimum of thirty days written notice, informing such individual of the nature and amount of the indebtedness determined by such agency to be due, the intention of the agency to initiate proceedings to collect the debt through deductions from pay, and an explanation of the rights of the individual under this subsection;”

(b) (5)

V/r

CDR (b) (6)

Military Manpower, Personnel and Analysis (MPA)

Office of the Deputy Assistant Secretary of the Navy (M&RA),

Military Manpower & Personnel (MM&P)

(b) (6)

Pentagon: (b) (6)

***** I am teleworking for the near term future. Please email me or call my cell – (b) (6) *****

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error, please notify the sender via telephone and/or e-mail and destroy this message and all copies you may have in your possession. Thank you for your cooperation.

From: (b) (6) CPO USN (USA) (b) (6)
Sent: Tuesday, April 28, 2020 2:04 PM
To: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Subject: FW: [Non-DoD Source] DD Form 2789 and Additional Documentation

Ma'am,

Please see below email from Sailor.

v/r
PSC

From: Ben Anderson <(b) (6)>
Sent: Tuesday, April 28, 2020 11:05 AM
To: (b) (6) CPO USN (USA) (b) (6)
Subject: Re: [Non-DoD Source] DD Form 2789 and Additional Documentation

Hi (b) (6),

In looking at this, they now seem to be focusing on whether or not I have a financial hardship vice looking at how this was done wrong in the first place. I don't have financial counseling information to provide. The issue (which they seem to be missing) is that this was done wrong by the Navy from the start. My rights were violated when they began taking the money out of my account without due process, and continued despite my search for answers and resolution.

Due to the nature of the language in the email that you forwarded, I am concerned that they have missed the point in all of this. Perhaps they don't understand that they violated the DOD FMR and the Navy continues to be in violation of the DOD FMR by not having a debt collection instruction available for sailors?

Best regards,

Ben Anderson, C.E.M.
Senior Director, Mid-Atlantic
TPI Efficiency

(b) (6)

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Navy Pay and Personnel Support Command - N1

5720 Integrity Drive

Millington, TN 38053

(b) (6)

From: Ben Anderson <(b) (6)>

Sent: Friday, April 24, 2020 4:25 PM

To: (b) (6) CPO USN (USA) (b) (6)

Subject: Re: [Non-DoD Source] DD Form 2789 and Additional Documentation

Chief,

I officially submitted the paperwork on Wednesday, so I will call them on Monday and verify they have received it and that they can hold off. Thank you again for the great assistance and communication.

Best regards,

Ben Anderson, C.E.M.

Senior Director, Mid-Atlantic

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(b) (6)

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Ben Anderson, C.E.M.
Senior Director, Mid-Atlantic
TPI Efficiency

(b) (6)

(b) (6)

(b) (6)

(b) (6)

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[<https://no-click.mil/?https://www.aeecenter.org/sites/default/files/cem.gif>]

On Thu, Apr 23, 2020 at 3:29 PM (b) (6) CPO USN (USA)

(b) (6) wrote:

Sir,

Yes, I think I got everything I needed. I sent all the supporting documents and case summary to the Admirals office for review. Unfortunately, I am not part of their review process and am not sure how long it takes them. I do know that the Admiral is already cognizant of your case as it was asked about by his office just a couple of days ago. At this point, once the decision is made, Admiral Hughes will reach out to you personally, I believe via official letter.

v/r

PSC

From: Ben Anderson (b) (6) <mailto:(b) (6)>>

Sent: Thursday, April 23, 2020 2:50 PM

To: McQuillin, Justin D CPO USN (USA)

Subject: Re: [Non-DoD Source] DD Form 2789 and Additional Documentation

Chief,

I just wanted to check in with you and make sure you received everything you needed from me. Do you have any idea on when decision might be made?

Best regards,

Ben Anderson

On Tue, Apr 21, 2020 at 12:02 PM Ben Anderson

(b) (6) <mailto:(b) (6)><mailto:(b) (6)>

(b) (6) <mailto:(b) (6)>>>> wrote:

Chief,

I am not surprised they can't find it - they couldn't be bothered for over 8 months to even respond to my calls and emails. It wasn't until I cornered the head PSD guy in his office that I was able to get anyone to give me the faintest time of day. I will get all the documentation over to DFAS later today. I appreciate the help! Please let me know any other action or things you need from me.

Best regards,

Ben Anderson, C.E.M.
Senior Director, Mid-Atlantic
TPI Efficiency

(b) (6)

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[<https://no-click.mil/?https://www.aeecenter.org/sites/default/files/cem.gif>]

On Tue, Apr 21, 2020 at 11:57 AM (b) (6) CPO USN (USA)

(b) (6)

wrote:

Sir,

I contacted PSD Washington who was unable to locate the initial waiver request you submitted. I looked over the one you've filled out here and everything looks fine. Here is the link on where to submit it:

<https://www.dfas.mil/civilianemployees/debt/debtwaivers.html><<https://no-click.mil/?https://www.dfas.mil/civilianemployees/debt/debtwaivers.html>><<https://no-click.mil/?https://www.dfas.mil/civilianemployees/debt/debtwaivers.html>>

Specifically to: (b) (6).

The only thing I would say is don't forget about block 16 on the 2789. It asks for supporting documentation. When you fax your waiver to DFAS I would absolutely recommend submitting everything you have for supports docs. Let me know if you have any questions.

v/r

PSC (b) (6)

From: Ben Anderson

<(b) (6)><mailto:(b) (6)><mailto:(b) (6)>

(b) (6) <mailto:(b) (6)>>>>

Sent: Monday, April 20, 2020 11:23 AM

To: (b) (6) CPO USN (USA)

(b) (6)

Subject: [Non-DoD Source] DD Form 2789 and Additional Documentation

Chief,

I filled out the 2789 the best I could (absent any instructions). I don't have copies of my LESs from that period, so I could not attach them. I have attached the email from PERS42 which specifically does NOT inform me that I can file for waiver or remission of the debt.

Please let me know if there are other documents or things I need to do. I greatly appreciate the assistance in this!

Best regards,

Ben Anderson, C.E.M.
Senior Director, Mid-Atlantic
TPI Efficiency

(b) (6)

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--

Ben Anderson, C.E.M.
Senior Director, Mid-Atlantic
TPI Efficiency

(b) (6)

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(b) (6)

From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Sent: Wednesday, July 1, 2020 1:44 PM
To: (b) (6) CIV USN COMNAVPERSCOM MIL TN (USA); (b) (6) LCDR
USN NAVPAYPERSSUPPCTR TN (USA)
Cc: (b) (6) CDR USN ASSTSECNAV MRA DC (USA)
Subject: FW: [Non-DoD Source] Fwd: Request for Waiver/Remission of Debt
Attachments: Expense012320.xlt; Waiver Remission Request.pdf; 2789 Completed.pdf; IG Email 4.pdf;
IG Email 2.pdf; IG Notification of Course of Action 201902369.pdf; IG Email 3.pdf; IG
Complaint Email 1.pdf; GAO 19-61.pdf; Volume_16.pdf; Volume_16.pdf; TAB C - NPPSC -
Anderson.pdf

Good Afternoon (b) (6) and LCDR (b) (6)

I had sent this email to PSC McQuillin and was planning on following up with him today but noticed his out of office. I am not sure if I should direct this to you all? This was a Congressional tasker we were working a couple months ago and PSD Washington was the one that provided a response with a cover letter from PSC McQuillin (TAB C - NPPSC – Anderson pdf attached). As you can see below he is still saying PSD did not provide due process. As I emailed PSC below, I am trying to see where in the FMR that an LES counts as due process vice the debt notification letter and cannot seem to find it. PSD Washington (letter attached) says they afforded him due process but what I read is that is for administrative errors (less than \$50). Do you see it anywhere? I have highlighted the FMR as well and attached it.

Thank you for your time.

V/r

(b) (6)

V/r

CDR (b) (6)

Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)

(b) (6)

Email (b) (6)

Pentagon: (b) (6)

Temporary Pentagon location: (b) (6)

I am currently teleworking, please call my cell: (b) (6)



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From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) <(b) (6)>
Sent: Monday, June 22, 2020 2:10 PM
To: (b) (6) CPO USN (USA) (b) (6)
Cc: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Subject: FW: [Non-DoD Source] Fwd: Request for Waiver/Remission of Debt

Good Afternoon PSC (b) (6),

Not sure if you were able to review/read this email I sent Friday but Mr. Anderson emailed me again today about this. Thank you.

V/r
CDR (b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)

(b) (6)

Email: (b) (6)
Pentagon: (b) (6)

Temporary Pentagon location: (b) (6)

I am currently teleworking, please call my cell: (b) (6)



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From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Sent: Friday, June 19, 2020 9:44 AM

To: (b) (6) CPO USN (USA) (b) (6)
Cc: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Subject: FW: [Non-DoD Source] Fwd: Request for Waiver/Remission of Debt

Good Morning PSC (b) (6)

I received the following email from Mr. Anderson last night. I have confirmed with N130 and they have his package. I am trying to see where in the FMR that an LES counts as due process vice the debt notification letter and cannot seem to find it. PSD Washington (letter attached) says they afforded him due process but what I read is that is for administrative errors (less than \$50). Do you see it anywhere? I have highlighted the FMR as well and attached it.

V/r
JLW

V/r
CDR (b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)

(b) (6)

Temporary Pentagon location: (b) (6)

I am currently teleworking, please call my cell: (b) (6)



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From: Ben Anderson <(b) (6)>
Sent: Thursday, June 18, 2020 6:05 PM
To: (b) (6) <(b) (6)@mail.house.gov>; (b) (6) CDR USN ASSTSECNAV MRA DC (USA) <(b) (6)>
Subject: [Non-DoD Source] Fwd: Request for Waiver/Remission of Debt

Dear (b) (6) and CDR (b) (6)

There are several factual errors in DASN (MMP) letter dated 17 JUNE 2020 which need to be addressed.

First, the statement ".. was afforded due process in accordance with the Department of Defense Financial Management Regulation Vol 16, Chapter 2, which allows official notification of indebtedness to be posted to the service member's leave and earnings statement (LES)" is incorrect in this case. In accordance with this chapter, one must read the section that this statement is from:

"030205. Procedures for Routine Pay Adjustments

A. In accordance with 5 U.S.C. § 5514, DCOs are not required to provide due process procedures prior to collecting overpayments of pay and allowances using routine intra-agency pay adjustments. To collect by routine adjustment, the **overpayment must have occurred within the four pay periods preceding the adjustment** or amount to **\$50 or less**. Routine adjustments may be necessary due to overpayments attributable to clerical errors, administrative errors, delays in processing pay documents, corrected or late time and attendance data, underdeduction of premiums, or incorrect personnel actions."

This is CLEARLY not the case, making the DASN's statement a false representation of the actual instruction. I recommend that DASN review section 0204, appropriately entitled "DUE PROCESS." The overpayment that occurred does not meet the criteria listed as a "Routine Pay Adjustment," thus does not meet the "DUE PROCESS" requirements.

Nor does the next section 020403. Authority to Initiate Collection Before Due Process is Granted, as at that time, none of these conditions existed, thus cannot be used.

The only option that DOD FMR VOL 16 CHP 2 allows for is contained in section 205 DEBT NOTIFICATION LETTER.

Further, it is DOD FMR VOL 16 CHP 3 which specifically states the procedures for collection of debt from active and reserve members. Section 030302. Due Process Requirements states:

"030302. Due Process Requirements

The head of the military pay office (typically the DCO) must ensure that it affords members all legal rights relative to collection of a debt due to overpayments of pay and allowances. Unless otherwise directed by statute, military members are entitled to due process, consisting of a notice and an opportunity for review, prior to the initiation of debt collection. Refer to Chapter 2 for due process requirements. Refer to Chapter 4, section 0406 for information on review opportunities for military members."

This letter was NEVER issued, no opportunity for a hearing in accordance with section 0406 was ever given.

I respectfully request that the applicable office actually review the instruction (https://comptroller.defense.gov/Portals/45/documents/fmr/Volume_16.pdf), as it removes any and all ambiguity in the process. **The continued failure by the Navy to follow this instruction and violate service member's rights is horrifying, and needs to be addressed.**

If there is something in the instruction that I am missing that gives the authority to the Navy to violate rights and use the LES as a form of notification, please provide the actual citation. I guarantee you it doesn't exist, that due process was not given, and despite being provided the opportunity to correct itself, the Navy is continuing to fail to follow DOD regulations.

Additionally, as per the DASN's letter, I was informed I could submit a request for remission or waiver of debt. I completed this and submitted it to both DFAS and NAVPERs, and have not heard anything from either source. Further, immediately following the notification from DFAS, I requested documentation of the debt, to

include all payments made since the origination of the debt, and the status of the sell back of my annual leave. This too has been ignored and not responded to.

To close, I request the following:

- 1.) The Navy provide the actual paragraph within DOD FMR VOL 16 CHP 2 which states that due process is given by notification via LES.
- 2.) The Navy provide documentation on the debt to include all payments made and the status of the sell back of my annual leave.
- 3.) The Navy provide the status of reviewing the previously submitted request for waiver/remission of debt.

I am not trying to be difficult, I am just expecting that the Navy follow the instructions, just the same was the Navy expects of its service members. Procedural compliance is not optional.

Best regards,

Ben Anderson

----- Forwarded message -----

From: **Ben Anderson** <(b) (6)>
Date: Wed, Apr 29, 2020 at 7:50 AM
Subject: Request for Waiver/Remission of Debt
To: <nxag_N130D@navy.mil>
Cc: (b) (6) CPO USN (USA) (b) (6) <@navy.mil>

To Whom it May Concern,

Please find the attached documents in support of my request for a waiver/remission of debt.

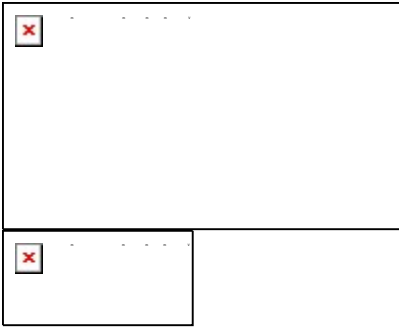
Best regards,

Ben Anderson, C.E.M.
Senior Director, Mid-Atlantic
TPI Efficiency

(b) (6)

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(b) (6)

From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA)
Sent: Monday, June 22, 2020 2:41 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Cc: (b) (6) CDR USN ASSTSECNAV MRA DC (USA)
Subject: FW: [Non-DoD Source] Fwd: Request for Waiver/Remission of Debt
Attachments: Expense012320.xlt; Waiver Remission Request.pdf; 2789 Completed.pdf; IG Email 4.pdf; IG Email 2.pdf; IG Notification of Course of Action 201902369.pdf; IG Email 3.pdf; IG Complaint Email 1.pdf; GAO 19-61.pdf; Volume_16.pdf; DASN signed letter.pdf; TAB C - NPPSC - Anderson.pdf; TAB D - 2015.8.11 1540.1500 - REMOVAL OF NUCLEAR ADDITIONAL QUALIFICATION DESIGNATORS ICO LCDR Ben L. Anderson, USN, 1120.pdf; TAB D - 2018.6.28 7220.0704 - CORRECTION OF NUCLEAR OFFICER CONTINUATION PAY ICO LCDR BEN ANDERSON, USN, 1120.PDF; TAB D - 2015.3.31 1300.0402 - FY 16 XOLL ICO ANDERSON BEN L.pdf

Good Afternoon Sir,

(b) (5)

V/r
CDR (b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)
Phone: (b) (6)
(b) (6)
Pentagon: (b) (6)
Temporary Pentagon location: (b) (6)

I am currently teleworking, please call my cell: (b) (6)



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From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6) @navy.mil>
Sent: Friday, June 19, 2020 10:12 AM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) <(b) (6) @navy.mil>
Cc: (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6) @navy.mil>
Subject: FW: [Non-DoD Source] Fwd: Request for Waiver/Remission of Debt

Good Morning Sir,

I am not sure how Mr. Anderson got the letter from (b) (6) (attached) so quickly. I just uploaded it in DON Tracker yesterday. I still have the physical letter on my desk to mail to Representative Raskin. Nevertheless, he has emailed to complain. I have sent an email to the NPPSC Chief I worked with asking him to verify what PSD wrote in their response (attached) as I cannot find it in the FMR (attached). Apologies, my mistake, in that I should have verified what PSD wrote in their letter was actually cited in the FMR. Additionally, I reached out to Rich Williams at N130 to verify they have his debt remission package and he said they do. I am not sure where to go from here? Do I respond to Mr. Anderson once I hear back from NPPSC? Do I draft another letter for Dr. Beland?

V/r
(b) (6)

V/r
CDR (b) (6)
Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)

(b) (6)
Email: (b) (6)
Pentagon: (b) (6)
Temporary Pentagon location: (b) (6)

I am currently teleworking, please call my cell: (b) (6)



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From: Ben Anderson <(b) (6)>
Sent: Thursday, June 18, 2020 6:05 PM
To: (b) (6); (b) (6); (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Subject: [Non-DoD Source] Fwd: Request for Waiver/Remission of Debt

Dear (b) (6) and CDR (b) (6),

There are several factual errors in DASN (MMP) letter dated 17 JUNE 2020 which need to be addressed.

First, the statement ".. was afforded due process in accordance with the Department of Defense Financial Management Regulation Vol 16, Chapter 2, which allows official notification of indebtedness to be posted to the service member's leave and earnings statement (LES)" is incorrect in this case. In accordance with this chapter, one must read the section that this statement is from:

"030205. Procedures for Routine Pay Adjustments

A. In accordance with 5 U.S.C. § 5514, DCOs are not required to provide due process procedures prior to collecting overpayments of pay and allowances using routine intra-agency pay adjustments. To collect by routine adjustment, the **overpayment must have occurred within the four pay periods preceding the adjustment** or amount to **\$50 or less**. Routine adjustments may be necessary due to overpayments attributable to clerical errors, administrative errors, delays in processing pay documents, corrected or late time and attendance data, underdeduction of premiums, or incorrect personnel actions."

This is CLEARLY not the case, making the DASN's statement a false representation of the actual instruction. I recommend that DASN review section 0204, appropriately entitled "DUE PROCESS." The overpayment that occurred does not meet the criteria listed as a "Routine Pay Adjustment," thus does not meet the "DUE PROCESS" requirements.

Nor does the next section 020403. Authority to Initiate Collection Before Due Process is Granted, as at that time, none of these conditions existed, thus cannot be used.

The only option that DOD FMR VOL 16 CHP 2 allows for is contained in section 205 DEBT NOTIFICATION LETTER.

Further, it is DOD FMR VOL 16 CHP 3 which specifically states the procedures for collection of debt from active and reserve members. Section 030302. Due Process Requirements states:

"030302. Due Process Requirements

The head of the military pay office (typically the DCO) must ensure that it affords members all legal rights relative to collection of a debt due to overpayments of pay and allowances. Unless otherwise directed by statute, military members are entitled to due process, consisting of a notice and an opportunity for review, prior to the initiation of debt collection. Refer to Chapter 2 for due process requirements. Refer to Chapter 4, section 0406 for information on review opportunities for military members."

This letter was NEVER issued, no opportunity for a hearing in accordance with section 0406 was ever given.

I respectfully request that the applicable office actually review the instruction (https://comptroller.defense.gov/Portals/45/documents/fmr/Volume_16.pdf), as it removes any and all ambiguity in the process. **The continued failure by the Navy to follow this instruction and violate service member's rights is horrifying, and needs to be addressed.**

If there is something in the instruction that I am missing that gives the authority to the Navy to violate rights and use the LES as a form of notification, please provide the actual citation. I guarantee you it doesn't exist, that due process was not given, and despite being provided the opportunity to correct itself, the Navy is continuing to fail to follow DOD regulations.

Additionally, as per the DASN's letter, I was informed I could submit a request for remission or waiver of debt. I completed this and submitted it to both DFAS and NAVPERs, and have not heard anything from either source. Further, immediately following the notification from DFAS, I requested documentation of the debt, to include all payments made since the origination of the debt, and the status of the sell back of my annual leave. This too has been ignored and not responded to.

To close, I request the following:

- 1.) The Navy provide the actual paragraph within DOD FMR VOL 16 CHP 2 which states that due process is given by notification via LES.
- 2.) The Navy provide documentation on the debt to include all payments made and the status of the sell back of my annual leave.
- 3.) The Navy provide the status of reviewing the previously submitted request for waiver/remission of debt.

I am not trying to be difficult, I am just expecting that the Navy follow the instructions, just the same was the Navy expects of its service members. Procedural compliance is not optional.

Best regards,

Ben Anderson

----- Forwarded message -----

From: **Ben Anderson** (b) (6) >
Date: Wed, Apr 29, 2020 at 7:50 AM
Subject: Request for Waiver/Remission of Debt
To: <nxag_N130D@navy.mil>
Cc: (b) (6) CPO USN (USA) <(b) (6) @navy.mil>

To Whom it May Concern,

Please find the attached documents in support of my request for a waiver/remission of debt.

Best regards,

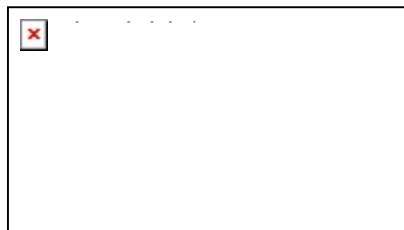
Ben Anderson, C.E.M.

Senior Director, Mid-Atlantic
TPI Efficiency

(b) (6)

www.TPIefficiency.com

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(b) (6)

From: (b) (6) CDR USN ASSTSECNAV MRA DC (USA)
Sent: Friday, June 19, 2020 10:12 AM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Cc: (b) (6) CDR USN ASSTSECNAV MRA DC (USA)
Subject: FW: [Non-DoD Source] Fwd: Request for Waiver/Remission of Debt
Attachments: Expense012320.xlt; Waiver Remission Request.pdf; 2789 Completed.pdf; IG Email 4.pdf; IG Email 2.pdf; IG Notification of Course of Action 201902369.pdf; IG Email 3.pdf; IG Complaint Email 1.pdf; GAO 19-61.pdf; Volume_16.pdf; DASN signed letter.pdf; TAB C - NPPSC - Anderson.pdf

Good Morning Sir,

(b) (5)

(b) (5)

(b) (6)

V/r

Jesse

V/r

CDR (b) (6)

Military Manpower, Personnel and Analysis (MPA)
Office of the Deputy Assistant Secretary of the Navy (M&RA),
Military Manpower & Personnel (MM&P)

(b) (6)

Email:

Temporary Pentagon location: (b) (6)

I am currently teleworking, please call my cell: (b) (6)



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error, please notify the sender via telephone and/or e-mail and destroy this message and all copies you may have in your possession. Thank you for your cooperation.

From: Ben Anderson <(b) (6)>
Sent: Thursday, June 18, 2020 6:05 PM
To: (b) (6); (b) (6); (b) (6) CDR USN ASSTSECNAV MRA DC (USA) (b) (6)
Subject: [Non-DoD Source] Fwd: Request for Waiver/Remission of Debt

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There are several factual errors in DASN (MMP) letter dated 17 JUNE 2020 which need to be addressed.

First, the statement ".. was afforded due process in accordance with the Department of Defense Financial Management Regulation Vol 16, Chapter 2, which allows official notification of indebtedness to be posted to the service member's leave and earnings statement (LES)" is incorrect in this case. In accordance with this chapter, one must read the section that this statement is from:

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A. In accordance with 5 U.S.C. § 5514, DCOs are not required to provide due process procedures prior to collecting overpayments of pay and allowances using routine intra-agency pay adjustments. To collect by routine adjustment, the **overpayment must have occurred within the four pay periods preceding the adjustment** or amount to **\$50 or less**. Routine adjustments may be necessary due to overpayments attributable to clerical errors, administrative errors, delays in processing pay documents, corrected or late time and attendance data, underdeduction of premiums, or incorrect personnel actions."

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Best regards,

Ben Anderson

----- Forwarded message -----

From: **Ben Anderson** (b) (6)
Date: Wed, Apr 29, 2020 at 7:50 AM
Subject: Request for Waiver/Remission of Debt
To: <nxag_N130D@navy.mil>
Cc: (b) (6) CPO USN (USA) (b) (6) @navy.mil>

To Whom it May Concern,

Please find the attached documents in support of my request for a waiver/remission of debt.

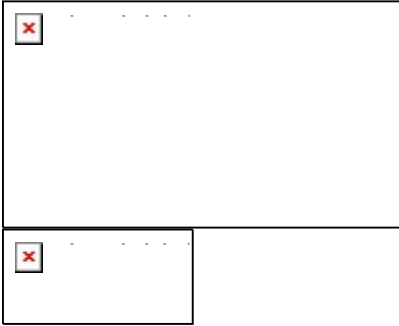
Best regards,

Ben Anderson, C.E.M.
Senior Director, Mid-Atlantic
TPI Efficiency

(b) (6)

www.TPlefficiency.com

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(b) (6)

From: (b) (6) CIV USN DCNO N1 (USA)
Sent: Thursday, December 17, 2020 3:45 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
Subject: RE: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN
Signed By: (b) (6)

Nicely written! How long did it take you to draft this response?

VR

(b) (6)

From: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Sent: Thursday, December 17, 2020 3:43 PM
To: Ben Anderson <(b) (6)>
Cc: (b) (6)
(b) (6)
Subject: RE: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Mr. Anderson,

Legal counsel has advised that we may process your request as a remission without prior action by DFAS/DOHA on a waiver request.

That said, many of the issues you bring up below are not addressed in either the DD-Form 2789 you submitted (dated 21 April 2020) nor in your letter of the same date. Specifically, while we do have a monthly income and expense form dated 1/23/2020, financial hardship is not claimed and a complete financial picture (e.g. assets) is not provided.

Please advise if you wish to submit any additional documentation in support of your application.

I advise that as a matter of law and policy, recoupment of debts arising out of erroneous payments (or the unearned portion of a bonus) is not considered punitive. It is simply a matter of balancing what someone was paid with what that person was owed. The authority to remit the debt exists to address exceptional cases, but the normal course of events is for erroneous payments to be returned to the government.

R,

(b) (6)

From: Ben Anderson (b) (6) >
Sent: Thursday, December 03, 2020 5:01 PM
To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA) (b) (6)
Cc: (b) (6)
(b) (6)
Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

(b) (6),

Thank you again for the clarification. Originally, I submitted a waiver request to DFAS, which was transmitted and received by FAX (see attached). In my initial request, I had asked for a waiver of the remaining debt. I was told via phone from DFAS that I was required to apply for remittance vice a waiver, via OPNAV. The reason for applying for remittance is because they define

"A remission is the cancellation of a debt or portion of a debt by the Secretary of a Military Department. Remission is applicable for active duty military members or former military members who have incurred an active duty debt. The laws governing remissions may consider financial or personal hardship, a member's value to the service, compassion, justice and good faith."

This has been central to the issue from the beginning. I served for 26 years, and did amazing work for the Navy, finding substantial savings and reducing of operational expenses while at NDW. I provided substantial documentation to illustrate the hardship this places on me, which has been exacerbated by COVID-19 shut downs, and now trying to support my father, sister, and wife's parents as well. When it comes to justice and good faith. I carefully and diligently executed my duties and have done everything possible to get this resolved in accordance with regulations with virtually no help, support, or clear guidance from the Navy. Further, I have had faith in the service. that the Navy will recognize what was done and follow the provisions of taking into account my financial or personal hardship, a my value to the service, compassion, and justice and good faith.

So I respectfully submit to you that I have done everything that my country and service asked of me, and done it well. I have consistently worked to get this resolved in accordance with the regulations I could find, and am pursuing this as I think it is something that the Navy needs to fix (as cited in the GAO report). Please let me know if this answers your question, or what more I can do, as getting this resolved will substantially reduce our financial hardship, as well as demonstrate that the Navy is fair and just in recognizing when it has made a mistake and will take responsibility for it while recognizing my service.

Best regards,

Ben Anderson

On Thu, Dec 3, 2020 at 12:41 PM (b) (6) CIV USN ASSTSECNAV MRA DC (USA)

(b) (6) wrote:

To clarify, prior to this recent legal opinion, the DON simply processed every remission request based solely on whether the applicant asked for remission vice waiver. Yours is the first case of erroneous payment to reach this office where the legal opinion is being tested. Being familiar with your case, and wanting to avoid further delays in resolution, I am asking the lawyers how binding their opinion is, i.e. is waiver action first mandatory or merely preferable.

I can't speak for DFAS on why they referred you to the Navy first, other than to speculate that it was possibly to obtain the required actions from the Navy debt collection office that are required to be included in the waiver request. Or possibly they were trying to be helpful to you as DOHA does not approve waivers when a member should have known they were not entitled to the erroneous payment. DOHA essentially requires you to prove that you could not reasonably have known or determined that you were not entitled to the payments.

So my question to you is, had you submitted a remission request when the debt was first established, and prior to any debt being collected, and there was no question regarding due process, what would that remission application have included as justification for remission of the debt?

R,

(b) (6)

From: Ben Anderson (b) (6)

Sent: Thursday, December 03, 2020 11:47 AM

To: (b) (6) CIV USN ASSTSECNAV MRA DC (USA)

Cc: (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Dear (b) (6),

Thank you very much for that detailed response. This definitely identifies that there is a significant issue within the United States Navy process that it takes multiple legal reviews at the highest level in order to try and understand how this process is supposed to work. Further, exemplifies the challenges that service members face when addressing thief issues. In my initial conversations with DFAS, they were the ones who instructed me to submit the paperwork to the Navy, not them (hence the reason I thought I was being directed to submit a remission request).

Absent of clear guidance and a process that can be completed by an average sailor, I would submit that consideration should be given to look at either as a waiver or remission, absent clear guidance available to the service members. Further, I would submit that this further clarifies the problems cited in the GAO report concerning recoupment of payments to service members.

In regards to your comment regarding the inspector general, I would submit that they failed to adequately investigate and conduct the inquiry in accordance with the regulations due to the either failure to understand what the regulations required, or through direction.

In the initial response to the congressman's office, the letter provided cited notification via LES, which was not appropriate, or affording due process. I'm sure that upon review of the DOD FMR and the regulations therein, you and your staff see that my due process rights were violated, and the response provided to the congressman was inaccurate at best.

Considering that the choices of whether a waiver or remittance was the "correct" request takes multiple legal reviews at your level, I submit the process is entirely unjustifiably complex and does not allow for a service member to be afforded a viable process to address these matters.

I look forward to finding out the next steps, as I intend to see this through to include legal action if necessary. My hopes was that the Navy would recognize its failure to address this, it's failure to work with me in this process, and its subsequent failure to provide an accurate response to the congressional inquiry.

The Navy cannot violate servicemembers constitutional rights, and has continued to fail to correct the problems in the GAO report (which has been cited multiple times in my past correspondence).

I will gladly work with any office necessary in order to come to some resolution that can address these issues. Please let me know if your office needs anything from me, as I truly see this is an opportunity for the Navy to correct a problem it created.

Best regards,

Ben L. Anderson

(b) (6)

On Dec 3, 2020, at 11:03 AM, (b) (6) CIV USN ASSTSECNAV MRA DC (USA)
(b) (6) wrote:

LCDR Anderson,

Your remission request is now with the Office of the Deputy Assistant Secretary of the Navy for Military Manpower and Personnel (DASN MMP), where I work. DASN MMP has delegated authority to adjudicate most remission cases, including yours (unless legal weighs in otherwise).

As you know, and as the DD-2789 points out, Service members may request the debt to be waived or remitted. These are actually two separate processes that operate under separate legal authorities. Our legal office has recently opined that under the canon of legal construction, when two sections of law cover the same issue, the more specific law has precedence. As the law covering waivers is expressly for overpayments of pays and allowances, it is more specific and under our lawyers guidance your case should be treated first as a waiver. Waivers are processed through DFAS and for debts of your amount are adjudicated by DOHA. However, in discussions with DFAS representatives they do not believe that one process must be used before the other. FMR Volume 16, Chapter 4 expressly states that if a waiver is denied, it does not preclude seeking remission. As your request specifically requests remission, and not waiver, of the debt, I am seeking our legal office's opinion if it is permissible to act on the remission request. If they answer yes, then the DASN will see your request within a few days thereafter. If they answer no, we will have to forward your case to DFAS.

To be frank, it is doubtful that your debt will be remitted (assuming yes to above question). For your debt to be remitted, the DASN would have to find that it was in the best interests of the United States to not reclaim funds that were erroneously distributed to you for an incentive program that you had been officially notified that you were no longer eligible for. While DoDI 1340.23 is not controlling for remissions, its section E4.1 provides DoD standards for when waiving debt arising from erroneous payments is not in the best interests of the United States. It is not favorable to your case that you were notified that you were no longer eligible for the payments you continued to receive (that is you should have known the payments were erroneous), nor is it favorable that you relied upon bad advice from your chain of command to let the situation sort itself out rather than contacting the NOIP program managers or the PSD when you received what should have been an unexpected payment. Personally I find it credible that you did not receive a proper debt notification letter from PSD Washington. However, even if the Navy were to concede errors in the debt collection notification process (which the IG did not do), you have not presented a basis for why allowing you to keep \$34K that you were not entitled to is a proper remedy that is in the best interests of the United States. The debt notification letter would have allowed you to contest the validity of the debt prior to collection, but you have since conceded the debt is valid, as doing so is required as part of the remission request. (If you contest the validity of the debt, you will need to withdraw the remission and follow the procedures in FMR volume 16, chapter 4.) The other right you claim was violated was the right to request remission, which you are doing now. However, the primary basis of your remission request is that you were not notified in a timely manner of your right to file a remission. Conceding for the sake of argument that you did not receive timely notification, had you received timely notification, there is no basis for remission remaining in your application.

Respectfully,

(b) (6)

Office of ASN(M&RA), MMP

Director, Military Personnel and Analysis

The Pentagon (Room (b) (6))

[REDACTED]

From: Ben Anderson <(b) (6)>

Sent: Thursday, December 03, 2020 9:12 AM

To: (b) (6) CIV USN DCNO N1 (USA)

Cc: (b) (6)

[REDACTED]

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Good morning,

I hope you all had a wonderful Thanksgiving! It has been a month since the last update. If you could please provide an update as to the status of my package, I would appreciate it,

Best regards,

Ben L. Anderson

On Tue, Nov 3, 2020 at 3:17 PM (b) (6) CIV USN DCNO N1 (USA)
(b) (6) wrote:

LCDR Anderson,

The package with your request has cleared N13 and is waiting for N1 (CNP review). From there it will go to ASN(M&RA) for final decision.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson (b) (6) >

Sent: Tuesday, November 3, 2020 1:42 PM

To: (b) (6) CIV USN DCNO N1 (USA)

Cc: (b) (6)

[REDACTED]
Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Good afternoon all,

It has been 1 months since the last status update on my package. If someone could please let me know with whom I should speak to get an update, it would be greatly appreciated.

Thank you,

Best regards,

Ben Anderson

On Thu, Oct 1, 2020 at 10:40 AM Ben Anderson <(b) (6)> wrote:

(b) (6),

Thank you for your response.

Best regards,

Ben L. Anderson

On Thu, Oct 1, 2020 at 7:01 AM (b) (6) CIV USN DCNO N1 (USA)
(b) (6) wrote:

LCDR Anderson,

The package has left N130 and is now in the review chain. Legal, N13, CNP and ASN(M&RA) are the main parts of that review chain.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson <(b) (6)>

Sent: Wednesday, September 30, 2020 9:18 PM

To: (b) (6) CIV USN DCNO N1 (USA)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

(b) (6)

If you could please provide an update as to the status of my package, it would be greatly appreciated. If you could also let me know the remainder of the routing chain, I would appreciate it.

Best regards,

Ben L. Anderson

On Tue, Sep 8, 2020 at 12:33 PM Ben Anderson (b) (6) > wrote:

(b) (6),

Thank you for the update, sir.

Best regards,

Ben L. Anderson

On Tue, Sep 8, 2020 at 12:27 PM (b) (6) CIV USN DCNO N1 (USA) (b) (6) wrote:

LCDR Anderson,

The package is in my box for review. It should leave my office in the next few days and for routing through the chain. Time to completion can range from several weeks to several months depending on complexity of the case and leadership availability.

We will certainly reach out to you if we have any questions.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson <(b) (6)>

Sent: Tuesday, September 8, 2020 9:27 AM

To: (b) (6); CIV USN DCNO N1 (USA) (b) (6); (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Good morning,

Please let me know the updated status of my request. If there is additional information that is needed, please do not hesitate to contact me. DFAS is continuing to garnish my retired

pay for this, and my request was submitted nearly 5 months ago, and I would truly like to get a resolution on this.

Best regards,

Ben Anderson

On Tue, Aug 25, 2020 at 7:34 AM (b) (6) CIV USN DCNO N1 (USA)
(b) (6) wrote:

LCDR Anderson,

We do not. We have that ability for current military members, but not for former members.

VR

(b) (6)

OPNAV N130

(b) (6)

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violation of Federal law to print, copy, retransmit, disseminate, or otherwise use this information.

From: Ben Anderson (b) (6) >

Sent: Monday, August 24, 2020 5:34 PM

To: (b) (6) CIV USN DCNO N1 (USA) (b) (6); (b) (6)
CIV USN ASSTSECNAV MRA DC (USA) (b) (6) (b) (6)

Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

Ladies and Gentlemen,

I have tried reaching out to DFAS regarding the continued collection of the debt with no success. Do any of you have the ability to reach out to DFAS and have them stop collection until this matter is resolved?

V/r

Ben Anderson

On Tue, Aug 18, 2020 at 10:06 AM Ben Anderson <(b) (6)> wrote:

(b) (6)

Thank you for the response. I am sure you can appreciate the fact that I have been trying to get an answer on this since my initial IG request over 15 months ago and am still

without resolution. With DFAS garnishing my retired pay, this is something that is an immediate and pressing need for me to get resolved as quickly as possible. DFAS told me that they received no communication from NAVPERS, OPNAV or anyone else to hold the garnishment and collection, and until they do so, they will continue to garnish my retired pay. This does not seem right at all, and from the multiple people on the CC chain here who have responded previously, they said that collection should have been suspended.

Obviously, DFAS hearing this from me is useless. If anyone on your team could coordinate with DFAS to suspend collection efforts while you continue your work, that would be something that would provide meaningful assistance and progress in getting this resolved.

Please let me know if that is something you can do, and if not, with whom I need to speak in order to get DFAS to stop garnishing my retired pay while this is under review.

V/r

Ben Anderson

On Tue, Aug 18, 2020 at 10:00 AM (b) (6) CIV USN DCNO N1 (USA) (b) (6) wrote:

LCDR Anderson,

I am LCDR (b) (6) supervisor. We are actively working the request, however there is a lot that goes into a request like yours and they usually take a while to get through the routing chain. I cannot give you a timeline as we are still investigating the circumstances of the debt.

VR

(b) (6)

OPNAV N130

(b) (6)

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From: Ben Anderson (b) (6)
Sent: Tuesday, August 18, 2020 9:52 AM
To: (b) (6) LCDR USN DCNO N1 (USA) (b) (6)
Cc: (b) (6)
(b) (6)
(b) (6)
Subject: Re: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

LCDR (b) (6),

As requested last week, please provide an estimated timeline for completion of the reviews/recommendations so that I can coordinate with Congressman Raskin's office on any further Congressional Inquiry needed. Due to this being related to a violation of my Constitutional Right to due process and now the lack of transparency and expediency from the Navy in resolving the matter, this is becoming a growing matter that will next come up to the House Oversight Committee as well as the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

I know how things work there, LCDR, and I know that this is neither an unreasonable request, nor is it one that is unanswerable.

If you cannot provide an answer, please let me know the next person in your chain of command before N13 himself that can look into the matter to help get this resolved.

R/

Ben Anderson

On Thu, Aug 13, 2020 at 10:56 AM Ben Anderson <(b) (6)> wrote:

LCDR (b) (6),

Thank you for your response. Fortunately, I have worked on the OPNAV staff and I understand how things work and how they get routed internally. Further, I understand that “first in first out” is not a requirement, and that things can get hand walked through when necessary.

In this case, the package has been with OPNAV for several months. Having worked with N133, I know that things sometime just get stuck on desks, and with COVID, there may have been added delays. However, we are talking about months for a package that is related to a Congressional Inquiry due to a violation of my Constitutional Right to due process, so a higher level of oversight may be needed in order to ensure that this is resolved.

Please provide an estimated timeline for the completion of the reviews/recommendations so that I can coordinate with Congressman Raskin’s office any further response or inquiry needed.

If you cannot, please let me know at what level of N13 I need to reach out to in order to get an answer.

Thank you,

Ben Anderson

On Thu, Aug 13, 2020 at 9:55 AM (b) (6) LCDR USN DCNO N1
(USA) (b) (6) wrote:

Mr. Anderson.

N130D is in receipt of your DD Form 2789. We will process your request in the order that it was received. Due to the volume of such requests and the coordination between multiple offices that is required for submission, please allow for a time delay as each entity requires time for review and recommendation.

V/r,

LCDR (b) (6)

LCDR (b) (6)

Head, Special and Incentive Pay Policy

Chief of Naval Operations (N130D)

Comm: (b) (6)

From: Ben Anderson <(b) (6)>

Sent: Wednesday, August 12, 2020 7:50 PM

To: ALTN_N130D <NXAG_N130D@navy.mil>; (b) (6)

Cc: (b) (6)

Subject: [Non-DoD Source] Remission/Waiver request ICO LCDR (Ret) Ben Logan Anderson, USN

N130D Team,

IAW the instructions provided by Chief (b) (6) and the affirmation by CDR (b) (6) that OPNAV 130D has received and has for action my request for a waiver/remission of indebtedness, and I am formally requesting an update as to its status. I have not CC'd RDML Jablon on this request, as I would like to allow this to be handled without having to draw him into this.

This case initiated with a violation of my Constitutional rights to due process, which was confirmed via the letter from DASN MR&A to Congressman Raskin which clearly stated I was only notified of the debt collection via my LES. This is contrary to the DOD FMR instructions which specifically require a formal letter of notification in this case. Further, GAO 19-63 which was released documents the current deficiencies in policy and provides recommendations to DoD on how to ensure that service member's Constitutional Rights to due process are observed.

To be more specific and so that you may review the matter yourself, the following is a summary of the Navy's violation:

Both the DASN's letter and your (CDR (b) (6) previous email confirm the fact that my right to due process was violated IAW DOD 7000.14-R, section 0204 (Due Process) which requires a letter as described in 0205. In 0303 (Collection of Debt from Active and Reserve Members), it reaffirms the requirement to adhere to the due process requirements of 0204. Section 030305 (Collections by Salary Offset Under 37 U.S.C. § 1007(c)) again affirms the right due to process and references (Due Process Requirements Under 37 U.S.C. § 1007).

Further, section 030306 (Collection by Salary Offset Under 5 U.S.C. § 5514) states " C. Due Process. The creditor agency to which the debt is owed must provide due process to the member and must certify due process was completed if the debt is submitted to the Defense Finance and Accounting Service (DFAS) for collection. For due process procedures, refer to Chapter 2." This was an opportunity for the Navy to correct the issue, but either failed to certify this contrary to the instruction or falsely/incorrectly certified this.

It is important to note, that the DASN's letter citing notification via LES originates from the following, which is clearly not applicable:

"In accordance with 5 U.S.C. § 5514, DCOs are not required to provide due process procedures prior to collecting overpayments of pay and allowances using routine intra-agency pay adjustments. To collect by routine adjustment, **the overpayment must have occurred within the four pay periods** preceding the adjustment, **or amount to \$50 or less**. Routine adjustments may be necessary due to an overpayment attributable to clerical errors, administrative errors, delays in processing pay documents, or underdeduction of premiums, for example. The DCO must provide the debtor with written notice of the nature and amount of the adjustment, as well as a point of contact for questions regarding the adjustment. This information should be provided by the payday for the pay period in which the adjustment is processed, or as soon thereafter as practical. An appropriate notice on the LES meets the requirements for notification."

DFAS is currently garnishing my retired pay despite my request for documentation and contention of the debt (yet another violation), and my final sell back of my leave has not been released.

In closing, this matter has gone on for quite some time with little to no communication with me on the matter. I request that OPNAV N130 provide an update as to the status of the case within 72 hours of receipt of this email. Further, I request that a POC at OPNAV N130 be provided to expedite any requests for information or other administrative needs in order to get this resolved.

Best regards,

Ben Anderson